



# 2009–2010 ANNUAL REPORT



**SIU**  
FORGING FORWARD



*Independent Investigations – Community Confidence • Enquêtes indépendantes – Collectivités rassurées*

April 8 , 2011

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, 2010.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Ian D. Scott".

Ian D. Scott  
Director



# SIU

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# SPECIAL INVESTIGATION UNIT

## *our* VISION

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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

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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

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Integrity ● Teamwork ● Communication ● Excellence  
Accountable ● Unbiased ● Dedicated

# Message from the Director



*“I find the great thing in  
this world is, not so much  
where we stand, as in what  
direction we are moving.”*

*- Johann Wolfgang von Goethe*



THE THEME FOR THIS YEAR'S REPORT IS "Forging Forward"; an appropriate theme given the strides the Unit has made, and continues to make, moving forward into its twentieth year of operation. You will notice that this year's report focuses on many of the new developments made over the 2009-2010 fiscal year. The symbol for this report is the gears as represented on the cover, indicating not only progression and movement forward but also the multi-faceted stakeholder relationships that must be forged and maintained.

The fiscal period April 1, 2009 to March 31, 2010 represents my first full year as the Unit's Director. As you will see in this Annual Report, we had a busy year in which the number of incidents the SIU looked at was roughly similar to the previous year, yet we managed to reduce the backlog of outstanding cases. Other milestones this year include the hiring of an outreach coordinator in May 2009, the hiring of a communications coordinator in August 2009, the inauguration of the Mobile Command Unit ('MCU') and the beginning of discussions with The Honourable Patrick LeSage, Q.C., more fully discussed in the 'Looking Forward' section of the report.

In this fiscal year, the SIU responded to 287 occurrences. These occurrences include seven firearms deaths, 172 custody injuries (by far our biggest category) and 24 sexual assault allegations. All told, the Unit investigated 33 death-related incidents. I laid ten charges in the fiscal period including charges of discharge firearm with intent to wound, sexual assault and a number of assault causing bodily harm.

Owing to the dedicated efforts of all staff, we have reduced the number of outstanding cases from 41 on April 1, 2009 to 20 on March 31, 2010. Considering that the outstanding number of cases was 77 on October 15, 2008, when I began at the Unit, I am of the view that it will be difficult to process cases any faster than our current rate. It generally takes approximately thirty working days to investigate an average case, and longer if external reports from organizations such as the Centre of Forensic Sciences or a collision reconstructionist are necessary.

I began my tenure as Director of the SIU on October 16, 2008, two weeks after the release of the Ombudsman

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report entitled *Oversight Unseen – Investigation into the Special Investigations Unit’s operational effectiveness and credibility*. As requested, I filed the Unit’s responses to the Ombudsman’s recommendations with his office on March 31, 2009. A copy of these responses may be found on our website at [www.siu.on.ca](http://www.siu.on.ca). Shortly thereafter, the Ombudsman, Mr. André Marin, indicated that he intended to reopen his investigation into the SIU. In the fall of 2009, his investigators interviewed a number of the Unit’s staff including myself, and requested many internal documents. As of the end of the fiscal year, we are awaiting the follow-up report.

Looking outside of the SIU, there have been many developments in the world of civilian oversight. The SIU falls under the jurisdiction of the Ministry of the Attorney General, and policing policy is determined by the Ministry of Community Safety and Correctional Services. In July of 2009, in response to one of the Ombudsman’s recommendations, both ministries entered into a protocol agreement entitled ‘Referral and Resolution of Issues of Concern Identified by the SIU’. This agreement ensures that the Ministry of the Attorney General notifies the Ministry of Community Safety and Correctional Services of policy issues and issues of systemic concern affecting SIU investigations. I have been noting issues of this nature in my reporting letters to the Attorney General and those sent to the Chiefs/ Commissioner of respective police services.

Last year also brought two legislative changes affecting the SIU. First, the definition of ‘member of a police force’ in the *Police Services Act (PSA)* was amended to remedy a prior anomaly in which civilian members of the Ontario Provincial Police were not considered to be members. Now, those civilian members will have the same duty as municipal civilian members to co-operate in SIU investigations. Further, *Section 113* of the *PSA* was amended to add a power for the Director to designate an Acting Director in his absence.

The Office of the Independent Police Review Director opened its doors on October 19th, 2009 under the leadership of Mr. Gerry McNeilly. We meet periodically with the Directors’ Resource Committee, which is comprised of

community representatives interested in oversight issues. Relationships with the policing community are more fully discussed in the ‘Looking Forward’ section of the report.

Outside the province, the issue of civilian oversight continues to be front and centre. British Columbia is awaiting the report from Commissioner Braidwood looking into the death of Polish immigrant Robert Dziekanski. I spoke at a conference on November 30th, 2009 in Vancouver called ‘Investigating Complaints Against Police: Models, Options and Issues’ addressing anticipated issues arising from the Braidwood inquiry. In Manitoba, as a result of the 2008 Taman Inquiry, chaired by retired Justice Roger Salhany, the government plans to establish an Independent Investigative Unit to conduct investigations into death and serious injury cases at the hands of the police. Quebec is considering an SIU model solely for death and imminent death cases in light of an ongoing high profile inquest. And the Nova Scotia Justice Department announced on March 19th, 2010 proposed legislation to create an arm’s length commission to handle investigations of police agencies.

When police officers are involved in incidents causing death or serious injury, including sexual assault allegations, this Unit has the statutory mandate to conduct independent investigations to determine whether a criminal offence took place. The effective fulfilment of this mandate, with all of its associated challenges, remains critical to fostering public confidence in policing in the province by ensuring thorough arm’s length investigations that can stand up to public scrutiny. The SIU has taken great strides since its inception in 1990 and has become a model for other oversight agencies. This is truly an accomplishment Ontario residents can take pride in.

**Ian D. Scott**  
Director





# PART 1

# PART 1

## INTRODUCTION TO THE SPECIAL INVESTIGATIONS UNIT

### Overview

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 allegations of sexual assault. The SIU is a civilian law enforcement agency independent of the police. While the Unit is an agency of the Ministry of the Attorney General, it maintains an arm’s length relationship with the Government of Ontario in its operations.

Through its progression, the SIU’s mandate has been clear from its inception in 1990 – to nurture public confidence in policing by ensuring that police conduct, in cases which fall under the SIU jurisdiction, is subject to rigorous and independent investigations. It is that mandate that is reflected in the Unit’s motto: *Independent Investigations - Community Confidence*.

Police officers have extraordinary powers and duties, including the authority to detain citizens and to use lethal force in the enforcement of the law when necessary to prevent death or serious injury to members of 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 forms such a belief, she or he lays 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, moreover, Ontario is one of the few places 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 the involved officers 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*. The Unit 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 other agencies, such as the Office of the Independent Police Review Director.

### Notification

Under the *Police Services Act*, police services are legally obligated to immediately 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, individuals 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 similar. 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 also impacts how many investigators are initially dispatched. For example, more investigators are typically sent to scenes of incidents involving firearms or a death than to other scenes.

Once an investigative team has been established, the investigation may involve a wide number of steps, including: collection of forensic evidence, collision reconstruction if required, blood stain spatter analysis if necessary, interviews with civilian and police witnesses, external analysis of collected forensic evidence and careful analysis of the incident by SIU investigators, supervisory staff and ultimately the Director. An overview of the SIU's investigative process is illustrated in the diagram on page 8.

## Forensic capacity

The SIU's in-house Forensic Identification Section (FIS) combines an extensive collective skill-base with leading-edge equipment and technology to extract relevant information from physical evidence. The team, led by two Forensic Identification Supervisors and consisting of 10 Forensic Investigators, is responsible for protecting, collecting, photographing and recording the scene, and preserving and analyzing the physical evidence. This work includes the interpretation of trace evidence and, in death cases, recording the autopsy process.

The team has diverse expertise including collision reconstruction, blood stain spatter analysis, scene surveying and firearm analysis. Where the case calls for more complex forensic examinations, such as DNA analysis or ballistics, the team liaises with scientists at the Centre of Forensic Sciences in Ontario and other external experts.

## Responsiveness to complainants and families

Dealing in a compassionate manner with persons who have been injured and the families of individuals whose deaths are the subject of an investigation is a priority at the SIU. 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

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

She or he:

- Guides investigative resources and develops a strategic course for the case;
- Coordinates the gathering of evidence and assesses its relevance;
- 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 her or his decision.

families. The Affected Persons Coordinator position at the SIU is discussed in further detail in the *Communications and Outreach* 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. It is important for them to know what the SIU is and what it does. They are informed of what they can expect from the SIU in the way of information and future contact. It is also explained to them 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 acquired during the investigation 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, not every aspect of the investigation can be disclosed to them. In cases where the SIU has laid a criminal charge, the SIU will explain that its ability to release information is limited by the need to protect the fair trial interests of the accused person and the community.

## NOTIFICATION OF AN INCIDENT

Refer to other complaints processes if required.

The Investigative Supervisor determines the nature of incident and response.

If it is determined that the basis for SIU jurisdiction does not exist or that there is patently no issue to investigate, the Director is consulted and if appropriate the investigation is terminated or referred to another oversight agency. The complainant and police service are notified.

If the SIU's mandate is invoked, a lead investigator and as many investigators as necessary are assigned and attend the incident scene along with a team of forensic investigators.

The investigation involves:

- Examining the scene and securing all physical evidence
- Monitoring the medical condition of anyone who has been injured
- Seeking out and securing the cooperation of witnesses
- Seizing police equipment for forensic examination
- Consulting with the coroner if there has been a death
- Notifying next of kin and keeping the family of the deceased or injured parties informed
- Keeping the Investigative Supervisor, Executive Officer and Director fully informed of developments on the case

During the course of their investigation, the investigative team prepares various reports and attends case meetings designed to keep the Director informed of their progress. During this time, the Unit can only make public statements that are necessary for and aimed at maintaining public confidence.

Upon completion, the lead investigator submits an investigative brief, which is reviewed by the Investigative Supervisor, the Executive Officer and the Director.

The Director determines whether a charge should be laid. Throughout the investigative process the SIU liaises, as necessary, with Justice Prosecutions of the Criminal Law Division of the Ministry of the Attorney General. If a charge is laid the SIU turns the case over to the Crown for prosecution and the SIU investigator(s) may provide support to the Crown in its prosecution.

At the end an investigation, the SIU attempts to provide as much information as possible to the public, subject to privacy legislation and witness confidentiality assurances. Particular attention is paid to the need for the complainant or next of kin to have a full understanding of the investigative results. This is generally accomplished through direct personal contact by the lead investigator.

## 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 decides that no such grounds exist, the Attorney General is notified in a written report and the case is closed. If the Director decides that there are reasonable grounds to believe a criminal offence occurred, a charge is laid by the SIU and the matter is referred to the Justice Prosecutions branch of the Criminal Law Division at the Ministry of the Attorney General, which prosecutes the charge.

If no charges are laid and the case involves a death, the Coroner's Office, pursuant to its powers under the *Coroners Act*, typically obtains a copy of the Director's Report to assist in deciding whether an inquest will be held.

During the course of some investigations, it becomes evident that the incident in question does not fall within the SIU's mandate. In these cases there is no need for the Director to decide whether charges are warranted. For example, medical records obtained by the Unit at an early point in a case may disclose that the injury reported 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 Director terminates all further SIU involvement and other processes are 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 Office of the Independent Police Review Director. Investigations will also be terminated early when it is determined that there is patently nothing to investigate.

## After the investigation

The SIU invariably investigates incidents that are upsetting for those involved. Questions about the SIU, its investigation, witness accounts, and the details of what happened and why are common. While this information is often confidential and subject to privacy laws, the SIU aims, to the extent possible, to communicate its decisions and information regarding investigations to injured persons or the families of deceased individuals.

The Chief of the police service involved in the case or the Commissioner of the Ontario Provincial Police are also informed of the Director's decision.

The results of investigations that have attracted significant public attention or media coverage are published

in SIU news releases, which are disseminated to media outlets and are also posted on the Unit's website:

[www.siu.on.ca](http://www.siu.on.ca).

When necessary, the SIU's Affected Persons Coordinator will keep in touch with complainants and families after a case has closed to help them cope with the continuing effects of what are often tragic events.

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# Frequently Asked Questions

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## GENERAL INFORMATION

### 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. Over time, public concern grew about the integrity of the process in which police officers investigated other police officers, particularly in incidents of police shootings where a member of the public had been wounded or killed. Simply put, there came to be 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 SIU as an independent, arm's length agency of the government, led by a Director and composed of civilian investigators.

The mandate of the Special Investigations Unit is to maintain confidence in Ontario's police services by assuring the public that police actions resulting in serious injury, sexual assault allegations or death are subjected to rigorous, independent investigations.

### What does the SIU investigate?

The SIU has a limited jurisdiction. The Unit conducts investigations into police activity where someone has been seriously injured, alleges sexual assault or has died. The jurisdiction also captures cases where the police conduct in question causes serious injury or death to another police officer. In addition, it includes incidents of serious injury or death connected to the conduct of a police officer at the time of the incident, regardless of the fact that the individual may no longer be a police officer at the time of the Unit's investigation.

Complaints involving police conduct, services and policies that do not meet these criteria must be referred to other complaint processes.

### 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 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 complainant's life, health and ability to carry on in a normal fashion.

While the Osler definition was adopted with the agreement of the Ontario Association of Chiefs of Police (OACP) when it was first published in the early 1990s, the OACP, which represents every police service in the province, issued a narrower definition of "serious injury" in 1999. As a result, some Ontario police services presently use the Osler definition when gauging their reporting obligations to the SIU while others employ different definitions.

In his second report, recognizing that this is a public policy issue and not a legal or medical one, the Honourable George Adams wrote, "It is not practical for a police service to attempt to determine the SIU's jurisdiction in a strict legal sense before notification is effected

because of the inherent uncertainty of many incidents. The issue of notification must be treated more like that of calling an ambulance - when in doubt call.”

## Who are SIU investigators?

The SIU’s investigative complement consists of personnel who are stationed at the Unit’s office in Mississauga and investigators who are strategically located throughout the province. This blend allows the head office to oversee and manage investigations, while retaining the flexibility to respond quickly to incident scenes across the province with investigators who reside closer to the scenes.

All SIU investigators are civilians. They come to the SIU from a variety of backgrounds ranging from policing, workplace health and safety, national security and intelligence, immigration, corrections and the legal profession. By the end of 2009-10, of the Unit’s investigators stationed at the head office, eight were of non-policing background while six investigators had a policing background. There are also 37 investigators located throughout the province who are called upon to ensure a timely response. The SIU does not employ seconded police officers.

The Unit’s investigative team has extensive experience investigating serious incidents, such as deaths, sexual assault allegations, serious assaults, shootings and motor vehicle collisions. The average investigative experience among the Unit’s investigators and forensic investigators is approximately 26 and 32 years, respectively.

## 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.

## INVESTIGATIVE PROCESS

### How does the SIU receive notice of incidents?

All Ontario police services are under a legal obligation to immediately notify the SIU of incidents of serious injury, 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 (0-SIU).

### How long do SIU investigations take?

Since every investigation is different, it is difficult to determine a fixed timeline for an investigation. Due to their complexity or circumstances such as evidence analysis, interviews and external reports from the Coroner or the Centre of Forensic Sciences, some investigations require more time to complete.

The SIU recognizes it is important to resolve cases in a timely manner and has set targets for expeditious investigations. It is important to note that the thoroughness of an investigation takes precedence over the length of time it takes to close an investigation. No case is presented to the Director for decision until the investigation is complete.

### Must officers cooperate with the SIU?

Yes. Section 113(9) of the *Police Services Act* requires that all members of police services shall cooperate with the SIU in the conduct of investigations.

Ontario Regulation 673/98<sup>1</sup>, enacted under the *Police Services Act*, sets out specific duties of police officers during SIU investigations.

### Who is a “Subject Officer”?

The subject officer is defined as a police officer whose conduct, in the Director’s opinion, may have caused the death or serious injury under investigation.

Subject officers are invited, but not compelled to present themselves for an interview with the SIU and they do

<sup>1</sup> In July 2010, Ontario Regulation 673/98 was amended to include provisions pertaining to the *Interprovincial Policing Act*, 2009. Ontario Regulation 673/98 has since become Ontario Regulation 267/10.

not have to submit their notes to the SIU. Once he/she becomes the focus of an investigation, the subject officer is granted the same rights as any citizen under the Charter of Rights and Freedoms to remain silent.

### Who is a “Witness Officer”?

A witness officer is a police officer who, in the opinion of the SIU Director, is involved in the incident under investigation but is not a subject officer.

Witness officers have a duty under Ontario Regulation 673/98 of the *Police Services Act*, to submit to interviews with SIU investigators at the earliest opportunity. The SIU is also entitled to a copy of their notes from the police service.

### 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 limits of available resources, the SIU 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 herself or himself as a police officer.

### What does an investigation entail?

The investigation consists of a number of tasks, including:

- examining the scene and securing all physical evidence
- monitoring the medical condition of anyone who has been injured
- seeking out and securing the cooperation of witnesses
- interviewing police witnesses
- determining whether there are any video recordings of the incident
- seizing police equipment for forensic examination
- consulting with the coroner if there has been a death
- notifying next of kin and keeping the family of the deceased or injured parties informed

### How do you determine how many investigators should be dispatched?

The SIU supervisor who receives the initial call obtains all available information about the event that just occurred. The supervisor then decides how many investigators and forensic investigators should respond.

Typically, the supervisor will saturate the initial response with resources to manage the incident. Once the lead investigator arrives, he/she determines the need for additional or fewer staff and the supervisor will re-assess the Unit’s deployment accordingly.

### What happens at the end of an investigation?

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, if no charges are laid, the SIU provides an explanation of what happened to affected persons. The Director files a full report with the Attorney General of Ontario, and the injured individuals or the families of deceased persons, and the Chief of the involved police service or the Commissioner of the Ontario Provincial Police, are notified of the Director’s decision. Directors have also made it a practice, upon request, to meet personally with the families of deceased persons and 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.

Where a charge is laid, the brief is transferred to the Justice Prosecutions branch of the Crown Law Office – Criminal of the Ministry of the Attorney General which takes carriage of the prosecution. In order to protect the integrity of the legal proceedings that will follow, the SIU is unable to comment on the investigation.

### Who makes the final decision in a case?

Under section 113(7) of the *Police Services Act*, the Director has the sole authority to decide whether or not charges are warranted. The Director takes into consideration all aspects of an investigation and arrives at the decision by applying established legal tests set out in the criminal law. The Director’s decision is reported to the Attorney General. The SIU may also issue a press release outlining the Director’s decision.

## 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 the Justice Prosecutions branch of the Crown Law Office – Criminal of the Ministry of the Attorney General, which prosecutes the charge. The SIU, as an investigative agency, participates in the prosecution by preparing the Crown brief and assisting the Crown.

While the SIU publicly announces when it has laid a charge against a police officer, the Unit releases limited information regarding the basis of that charge in order to protect the fair trial interests of that police officer and the community.

Whether or not an officer who has been charged by the SIU is subject to employment consequences by her or his employer is a matter entirely within the purview of the police service.

## Does the SIU reopen cases?

In order to reopen an investigation, the Director has to be satisfied that there is new information available that could materially affect the outcome of an investigation. The SIU has reopened cases when this test has been met.

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# Developing Capacity To Address Growth

## SIU 2009–2010 ANNUAL REPORT

In 2009-10 the SIU continued to see a high volume of cases. During this fiscal period 287 files were opened with respect to occurrences reported to the Unit. While a decrease in numbers from the 2008-09 record high of 299, the 2009-10 fiscal year is still representative of a longer term trend in increasing case numbers handled by the SIU. Putting it into perspective, the Unit's average annual caseload for the last five fiscal periods is 255 cases, which amounts to a 55.6% increase compared to the corresponding average of 164 cases for the preceding five-year period.

Despite the caseload pressures, the Unit's staff continued to respond admirably to ensure that investigations were conducted thoroughly and in a timely fashion. During this fiscal period a total of 305 cases were closed. This consisted of cases from this current fiscal period and cases which remained open from previous years. Of the 305 cases, 58.4% were completed within 30 business days, up from 45.7% the previous year.

The effects of funding received from the Ministry of the Attorney General in the last fiscal year also helped alleviate the strain on the Unit related to workload. The funding which totaled approximately \$700,000 was approved for the SIU in 2008 and allowed the Unit to fill two additional administrative support personnel positions as well as the Outreach Coordinator position.

The addition of the administrative assistant to Investigative Supervisors and a transcriber has enabled the expedient processing of the administrative aspects of cases. The May hiring of the Outreach Coordinator has created a dedicated outreach function which focuses on fostering community relationships and building understanding and awareness of the SIU. This infusion of human resources has enabled the Unit to forge forward in meeting the challenges of its expanding caseload.

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RIGHT—The SIU Mobile Command Unit and forensic vehicle on scene.

### MOBILE COMMAND UNIT

It is of critical importance that investigators respond quickly to reported incidents and with the necessary equipment at hand. Recognizing the growing need for a fully equipped and stand-alone command unit, in the 2008-09 fiscal year the government approved one-time funding for a Mobile Command Unit (MCU). Received in December 2009, the MCU is a 9.4m long by 2.7m wide office on wheels which has significantly enhanced the SIU's ability to investigate major incidents by quickly establishing an independent presence at scenes. The MCU has been an important move forward in providing SIU investigators with an independent and visible location to meet and strategize the investigative process and to conduct witness interviews on scene. The vehicle is fully equipped with 2 interview rooms, audio-visual recording capacity, and is self-sustaining for use in remote areas where external electricity and water supply may be limited.

The MCU is an addition to the Unit's existing vehicle fleet of four Dodge Sprinter Vans which were upgraded in 2008. The Sprinter Vans are also fully equipped forensic vehicles and provide increased utility, improved fuel efficiency and greater payload capacity. These vehicles are stationed strategically throughout the province in Kingston, Orillia, Kitchener, and the SIU head office in Mississauga. The MCU is housed in Oakville which is central to the Greater Toronto Area—the highest caseload region for the SIU.





## **PART 2**

# PART 2 MEASURING PERFORMANCE

## Investigations

### OCCURRENCES

FOLLOWING A RECORD CASELOAD HIGH in the previous fiscal year, in 2009-10 the Unit investigated 287 occurrences. While this presents a 4% decrease from 2008-09, the long term trend of an increasing caseload remains unabated. The figure also represents a 17% and 21% increase from the number of occurrences in 2007-08 and 2006-07, respectively. Overall, criminal charges were laid in 10 cases against a total of 12 officers.

An overview of the Unit's annual caseload over a ten year period (see Appendix A) reveals a marked increase in recent years compared to the historical average. Appendix B illustrates where incidents occurred in the province by cross-referencing the caseload data with geographical regions and police services.

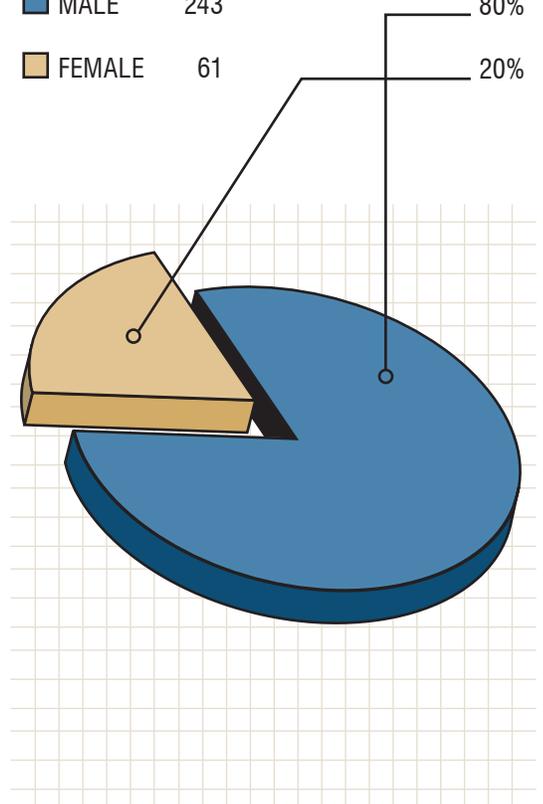
<b>OCCURRENCES</b> APRIL 1, 2009–MARCH 31, 2010	
<b>TYPES OF OCCURRENCES</b>	<b>#</b>
Firearm Deaths	7
Firearm Injuries	5
Custody Deaths	16
Custody Injuries	172
Other Injuries / Deaths	4
Vehicle Deaths	9
Vehicle Injuries	50
Sexual Assault Complaints	24
<b>TOTAL OCCURRENCES</b>	<b>287</b>
<b>Number of Cases in Which Charges Were Laid</b>	<b>10</b>
<b>Number of Officers Charged</b>	<b>12</b>

### INFORMATION ABOUT COMPLAINANTS

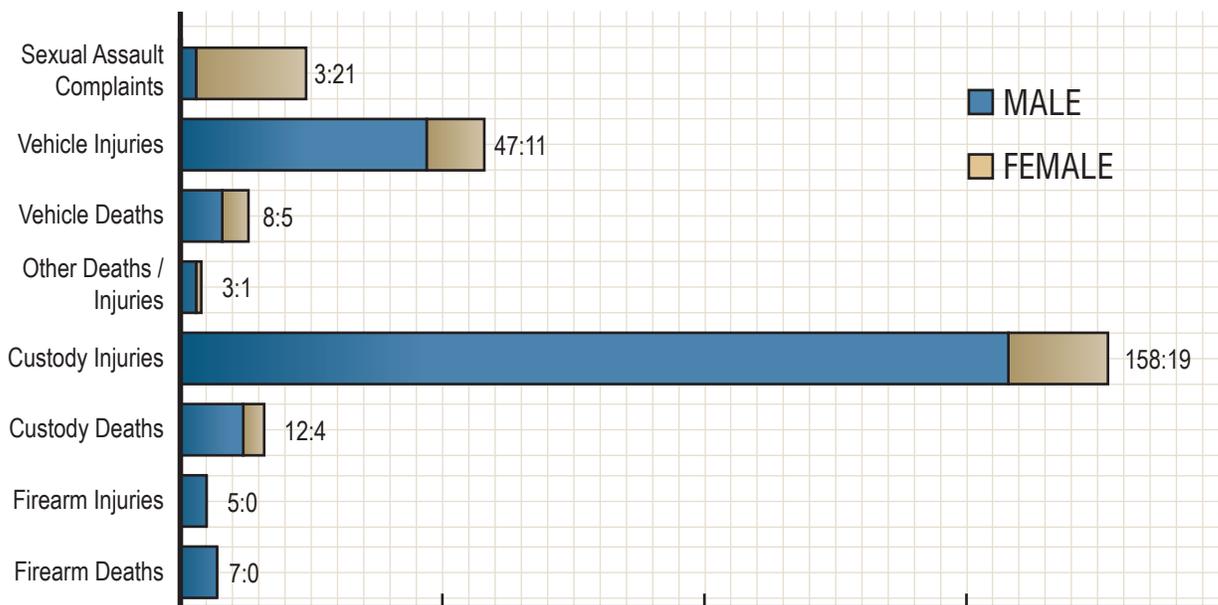
“Complainants” are individuals who are directly involved in an occurrence investigated by the SIU and have been seriously injured, report that they have been sexually assaulted or are deceased. There may be more than one complainant per SIU case.

### RATIO OF MALE TO FEMALE COMPLAINANTS

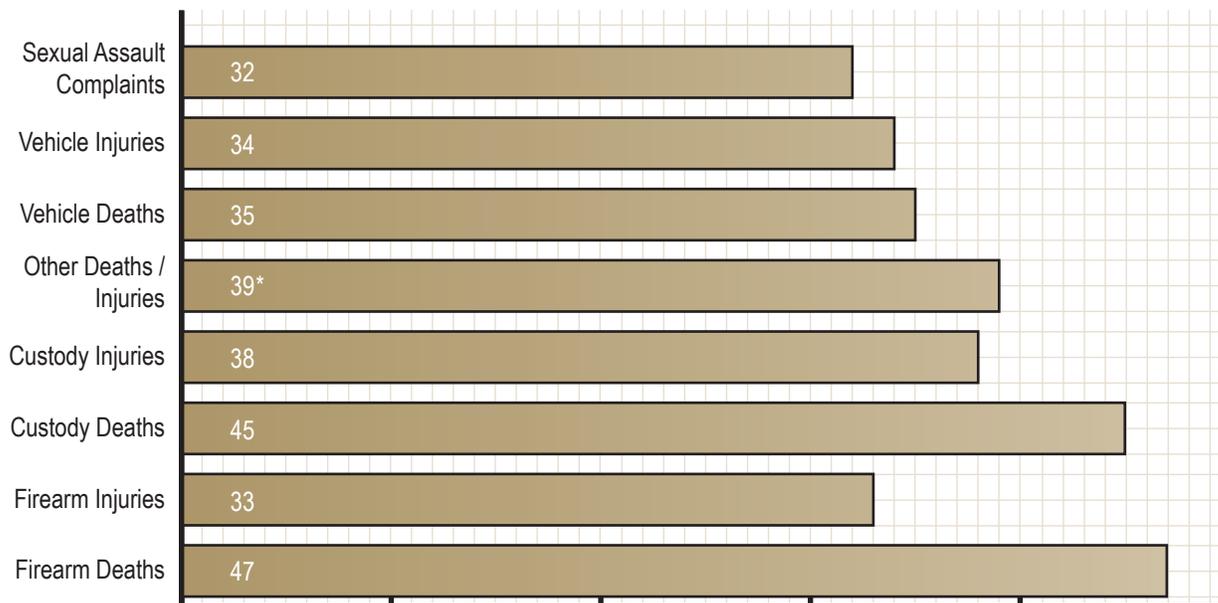
MALE 243 80%  
FEMALE 61 20%



**NUMBER OF MALE AND FEMALE COMPLAINANTS BY CASE TYPE**



**COMPLAINANT AVERAGE AGE BY CASE TYPE (IN YEARS)**

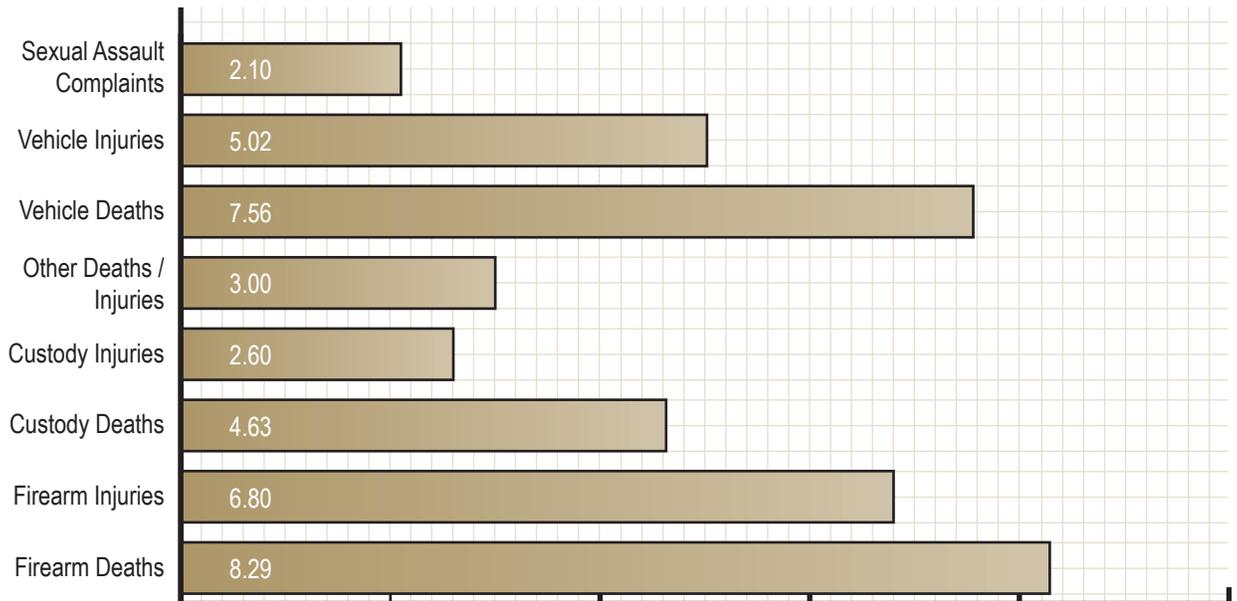


\* PLEASE NOTE this figure is based on four cases

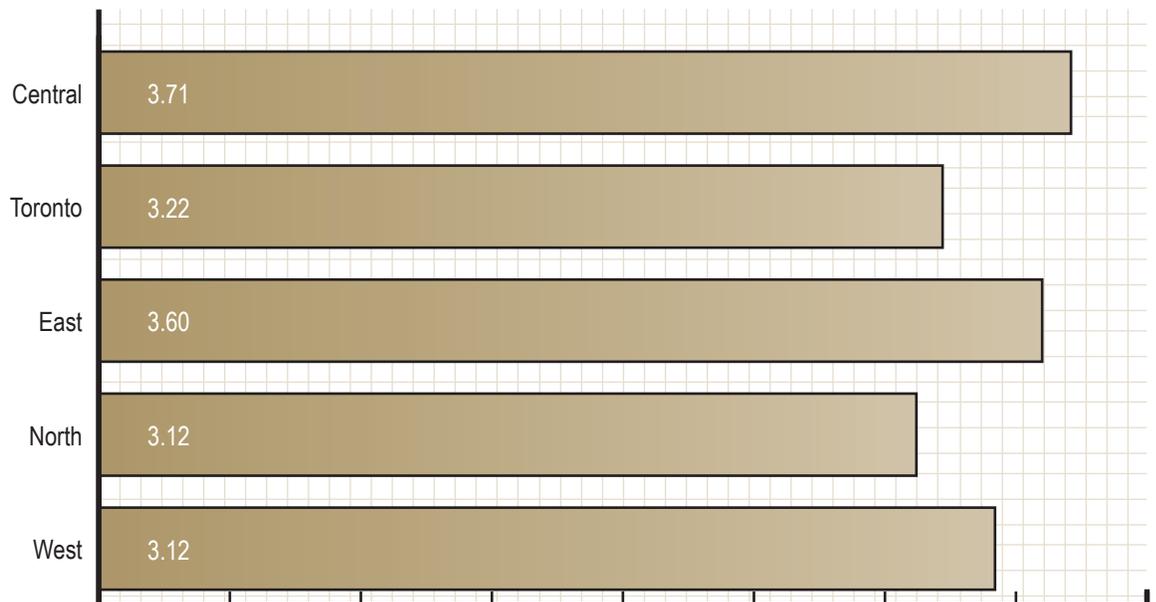
**INITIAL RESPONSE**

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

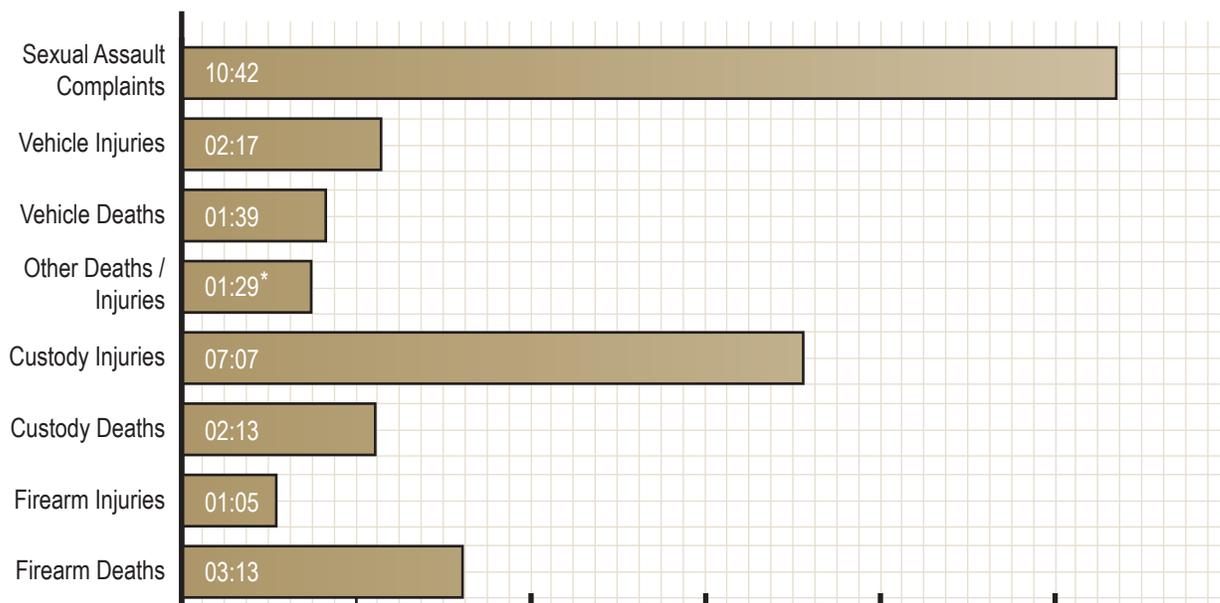
**AVERAGE NUMBER OF INVESTIGATORS BY CASE TYPE**



**AVERAGE NUMBER OF INVESTIGATORS PER CASE BY REGION**

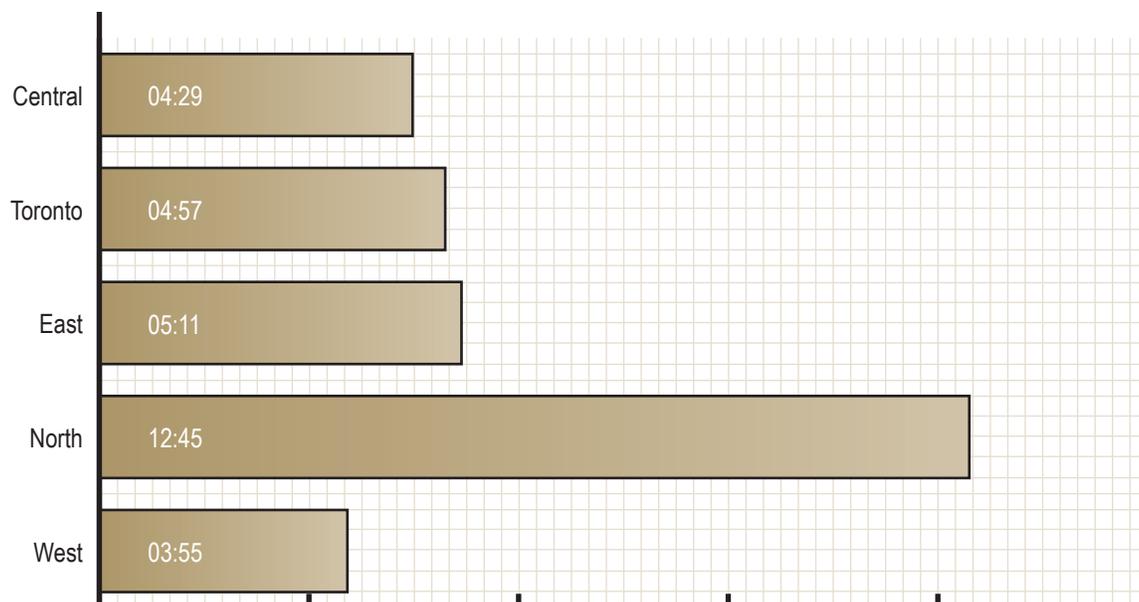


**AVERAGE RESPONSE TIME BY CASE TYPE (HH:MM)**



\* PLEASE NOTE this figure is based on four cases

**AVERAGE RESPONSE TIME BY REGION (HH:MM)**



## CLOSURE RATE

The SIU has set a performance standard of closing 65% of its cases within 30 business days. While the Unit was unable to meet this target in the 2009-10 fiscal year, we continued to build on last year's recovery by improving on this performance standard closing 58.4% of cases within 30 business days. This is up from 45.7% in the 2008-09 fiscal period. The Unit's improved performance in this area was the result of the dedicated efforts of its staff and an infusion of much needed human and capital resources.

CASE CLOSURE STATISTICS 2009–2010	
Total number of cases <sup>2</sup>	305
Average number of days to close <sup>3</sup>	28
Number of cases closed within 30 business days	178
Percentage of cases closed within 30 business days	58.4%

## CLOSURE BY MEMO

In some SIU cases, information is gathered at an early stage of the investigation which establishes that the incident, at first believed to fall within the SIU's jurisdiction, is in fact not one that the Unit can investigate. It may be that the injury in question, upon closer scrutiny, is not in fact a "serious injury". In other cases, though the incident falls within the SIU's jurisdiction, it becomes

<sup>2</sup> The number of closed cases is different than the total occurrences in 2009-10 as it includes occurrences from the previous fiscal year that were closed in 2009-10 and does not include cases that remained open at the end of the fiscal period.

<sup>3</sup> The SIU incorporates a practice of *stop-restart dates* to calculate the length of its cases from start to finish. There are times during the course of certain cases where the SIU investigation is on hold pending some action of a third party over which the SIU has no control. This sometimes happens, for example, where an outside expert has been retained to provide an opinion regarding physical evidence and the investigation cannot proceed further until the expert's opinion has been received. In this case, a *stop* date is designated when the expert is retained and a *restart* date is designated when the opinion is received, and that interval of time is excluded from the overall length of the case. By subtracting periods of time during which an investigation is on hold pending some action by a third party, the data more accurately reflects the relationship between SIU resources, which it controls, and the length of the cases it pursues.

clear that there is patently nothing to investigate. In these instances, the SIU Director exercises her or his discretion and "terminates" all further SIU involvement and files a memo to that effect with the Attorney General. When this occurs, the Director does not render a decision as to whether a criminal charge is warranted in the case or not. Other law enforcement agencies may be able to deal with these incidents. Of the 305 cases closed in 2009-10, 85 were terminated in this fashion.

## NON-JURISDICTIONAL INCIDENTS

Some incidents reported to the SIU never become SIU cases because it is clear at the outset that the complaints do not fall within the SIU's jurisdiction. Often, these incidents involve injuries which are not "serious injuries" within the *Osler* definition. Sometimes, they involve complaints against persons who are not defined as police officers under the *Police Services Act*. In 2009-10, the SIU received 104 non-jurisdictional complaints - 33 from the police and 71 from the public. Below are several examples of these complaints:

- In April 2009, a man called the SIU to complain that a police service had conducted an inadequate investigation of an individual (not a police officer) who was alleged to have sexually assaulted his daughter. The Unit explained that its jurisdiction was limited to the conduct of police officers and the complaint was referred to the police.
- In October 2009, a woman contacted the Unit about physical abuse suffered by her son at the hands of her ex-spouse. She was not satisfied with the police response to her allegations and wanted the Unit to investigate. Because the injuries were not inflicted by any police officer, the Unit could not investigate and the matter was referred to the Office of the Independent Police Review Director.
- In February 2010, an individual complained of sore ribs following his arrest by police officers. It was reported that he had gone to the hospital for treatment, where he was diagnosed with bruising to his ribs, but no fractures. The Unit determined that it was without jurisdiction to investigate as the complaint did not involve a serious injury as defined under the *Osler* definition.



# Case Studies

PART 2

## 09-OFD-090



On April 22, 2009, Ottawa Police Service officers pursued a vehicle on Highway 417 as they had information that the driver of the vehicle was a suspect in a shooting. There was an interaction, and the driver, a 43-year-old Montreal resident, sustained firearm injuries and later died.

Four investigators and three forensic investigators from the SIU were assigned to investigate the incident. As part of the investigation, the scene was canvassed for witnesses, forensically mapped and photographed. Police firearms and a revolver were inspected and seized, and the police communications tape was reviewed. A total of eight police officers and civilian witnesses were interviewed.

The SIU investigation determined that on this date, the vehicle was stopped at Highway 417 and Walkley Road. The driver got out of the car carrying a revolver, and pointed it at two of the officers, including the subject officer. As a result, the subject officer discharged his pistol in the direction of the man from inside his cruiser. One of the projectiles struck the man. Almost simultaneously, the man shot himself in the left temple area of his head with the revolver. He was taken to hospital where he succumbed to his injuries two days later. According to the pathologist, the self-inflicted wound, and not the wound inflicted by the officer, was the fatal one.

Director Scott said, "The officer had reasonable grounds to believe that the man might shoot either him or another officer, and accordingly was justified in discharging his firearm. The officer's reasonable belief was based upon the receipt of credible information that the man had just shot someone, was armed, and was pointing a firearm at him. In these circumstances, the subject officer is afforded the protection of s. 25(3) of the Criminal Code, which permits him to use force likely to cause grievous bodily harm or death when he believes on reasonable grounds that it is necessary for his self preservation or the preservation of anyone under his protection."

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FORGING FORWARD

## 09-PFD-160



In July 2009, a 35-year-old Hammond resident was fatally shot during an interaction with Ontario Provincial Police officers.

The SIU dispatched five investigators and three forensic investigators to the scene to investigate the incident. As part of the investigation, the pickup truck being driven by the man was taken to the Centre of Forensic Sciences for examination. The scene was thoroughly examined, and eight police and 17 civilian witnesses were interviewed.

The SIU investigation revealed that on the evening of July 3, 2009, officers were conducting a RIDE program on the Highway 401 off-ramp for County Road 29 in Brockville. An officer directed the male driver to pull his black pickup truck over, as he did not properly identify himself and the odour of an alcoholic beverage was detected on his breath. However, the man fled north on CR 29, and RIDE program officers entered into a pursuit. The pursuit vehicles reached speeds of up to 150 km/h. The man ran a red light, drove around two civilian vehicles on the shoulder of the roadway, and at one point forced an oncoming car off the road in order to avoid him.

About 6.7 km into the pursuit, a spike belt was used, causing punctures to the front tires of the truck. However, the man continued to drive. In response, the officers initiated a rolling block, a tactic used to slow a vehicle down by surrounding it on all sides. The man rammed the police vehicles in front of his truck in an attempt to escape the rolling block. When the officer directly in front applied his brakes, the truck was forced to stop.

Six police vehicles surrounded the truck. However, there was a gap between two of the vehicles, and in an apparent attempt to escape through this gap, the man began to ram the police vehicles directly behind and in front of him.

In the meantime, a number of the officers had exited their vehicles. One of the subject officers ran toward the area of the left front corner of the pickup truck and used his baton to smash the front windshield. The second subject officer approached the pickup truck with his gun drawn and smashed the driver's side window with his baton. However, the man continued to ram the police vehicles blocking his escape, and he eventually succeeded in creating enough space that he could begin to point his truck toward the gap. During the vehicle's last movement forward toward the opening, the two subject officers discharged their firearms at the man a total of eight times. One of the bullets went through the driver's side mirror and struck the man, killing him instantly.

Director Scott said, "There are two issues that cannot be determined. First, due to the nature of bullet projectiles from the two identical police issue hand guns, it is impossible to determine which of the two subject officers discharged which bullets and therefore which officer was responsible for causing the death of the man. Second, because the pickup truck was moving forward at the time of the discharges and continued to move forward after the fatal shot, it is impossible to ascertain the exact location of the subject officers at the critical moments. The problem of their positioning at the critical moment is further exacerbated by the fact that they were moving both before and after discharging their weapons."

"Turning to the applicable law in these circumstances, the officer who stopped the man at the RIDE checkpoint had the lawful authority to both detain him and to demand identification from him: s. 216 & s. 33 of the *Highway Traffic Act*. Further, the officers had the authority to enter into a suspect apprehension pursuit once he fled after refusing to identify himself: s. 3 of O.Reg. 543/99 to the *Police Services Act*. The man's driving also gave further grounds to continue the pursuit because he was driving in a dangerous manner and he represented a threat to public safety. The use of a rolling block was appropriate due to his callousness toward the safety of the driver of an oncoming vehicle, the light traffic and the shredded front tires which slowed the pursued vehicle down."

"Once the rolling block had been completed, the officers had reasonable grounds to arrest the man for dangerous driving at the minimum. They also had reasonable grounds to believe he would use any means necessary to continue fleeing from them. This belief was justified by his actions up to this point in resisting the rolling block and his ramming of the police vehicles parked directly in front and behind him in order to create enough space to turn his vehicle to the left. In my view, it is a reasonable conclusion for the subject officers to draw that the driver would have been prepared to run over anybody in the way in an attempt to escape through the gap."

"While we do not know which subject officer fired the fatal bullet, we do know that both were situated in the gap between vehicles, that other officers were also in the gap area, and that the man was apparently intending to drive through that gap, putting all of their lives in danger. Whichever subject officer fired the lethal shot was standing at such an angle to the pickup truck that it was almost directly in front of him and reasonably capable of running him over. Accordingly, he was justified pursuant to ss. 34(2) of the Criminal Code in shooting at the driver. The other subject officer was also justified in shooting at the driver, even though the shots were not lethal, to prevent the commission of an offence that would likely cause immediate and serious injury to another person pursuant to ss. 27(a) of the Criminal Code, that being injury or death caused by being run over by the man's fleeing vehicle."

## 09-OFD-162



On July 5, 2009, a 48-year-old Barrie man was shot and killed during an interaction with Barrie Police Service (BPS) officers.

The SIU was notified, and immediately assigned seven investigators and four forensic investigators to probe the circumstances of this incident. An examination of the two distinct shooting scenes was conducted, and biological, firearm and clothing evidence was seized. Ten BPS officers and 68 civilian witnesses were interviewed.

The SIU investigation determined that on that day, a man had been observed acting in an erratic manner. Unknown at the time to the two officers who approached him on Bayfield Street, the man was armed with a knife. For no apparent reason, he stabbed one of the officers in the throat area, seriously injuring him. The second officer intervened and tackled him to the ground. This officer was also stabbed in the neck area, and he too was seriously injured. However, he managed to extricate himself from the man and create some distance between them. At this time, the first officer discharged his firearm in the man's direction, followed shortly by a number of rounds fired by the second officer. The individual began walking away from the scene north on Bayfield Street with the knife still in his hand. The second officer pursued him on foot, ordering him numerous times to drop his weapon and get on the ground. The man did not comply and continued to walk north. The officer maneuvered in front of him, and repeated his verbal commands. The man continued toward the officer with the knife raised, prompting the officer to discharge a number of shots. The man was struck and killed. Both officers were taken to a Barrie hospital where they underwent emergency surgery for their life-threatening injuries.

Director Scott said, "Pursuant to ss. 25(4) of the Criminal Code, a police officer may use lethal force if the officer is proceeding to arrest the person, the offence is one for which the person may be arrested without a warrant, the person takes flight, the officer believes on reasonable grounds that force is necessary to preserve any other person from imminent or future death or grievous bodily harm, and the flight could not be prevented by reasonable means in a less violent manner. Here, the man had committed an aggravated assault on two police officers, an offence for which he could have been arrested without warrant had he complied with the officer's demands. He took flight by walking north on Bayfield Street and refusing to comply with the police demands. Further, given his gratuitous and violent attacks on the two subject officers with a knife that he continued to brandish and the real possibility of other members of the public coming into contact with him, it was a reasonable conclusion for the officer to draw that lethal force was necessary to protect others if he refused to comply. Finally, with respect to the issue of whether the flight could have been prevented in a less violent manner, it is worth noting that the officer did not have a Taser with him, and pepper spray would have been too risky in this circumstance of potentially imminent harm to others. As well, the subject officer was justified under the self-defence section of the Criminal Code as he was under a reasonable apprehension that he would face imminent death or grievous bodily harm."

## 09-OCI-163



On July 5, 2009, the Barrie Police Service (BPS) contacted the SIU regarding a custody injury occurring on that evening. The SIU assigned two investigators to probe the circumstances of the occurrence.

At approximately 6:15 p.m., three officers responded to a reported domestic dispute at the Barrie residence of a 61-year-old male. There was an interaction between the male and BPS officers and the male was arrested. A short time later, the male was taken to Royal Victoria Hospital where he was treated for a broken left arm.

Based on the results of the SIU investigation, the Director caused charges to be laid against three BPS officers finding that there were reasonable grounds to believe that they were criminally responsible for the injuries sustained by the complainant. The officers are each facing one charge of Assault Causing Bodily Harm, contrary to s. 267 (b) of the Criminal Code of Canada.

The officers were arrested and subsequently released on conditions. Justice Prosecutions of the Ministry of the Attorney General has carriage of the prosecution.

# PART 2

# SIU

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## FORGING FORWARD

## 09-PVD-164



During the afternoon of July 6, 2009, two OPP officers with the Elgin County detachment were attempting to apprehend a man who had recently fled from a motor vehicle. A short time later, a tractor-trailer collided with the OPP cruiser, causing fatal injuries to one of the officers. The SIU was called in to investigate.

Crash data retrieval modules, which record important vehicle information such as speed, were removed from the tractor-trailer and OPP cruiser. Eight witness officers and 19 civilian witnesses were interviewed. As well, the collision site was photographed and videotaped, and mapped out using the Sokkia Total Station.

Through the work of seven investigators, including three forensic investigators, it was determined that on this date, the officers were traveling on Furnival Road and then turned east onto Thompson Line. The subject officer made a U-turn on this road, and then proceeded to make a left hand turn from Thompson Line onto Furnival Road in order to go south. She was traveling at a low rate of speed but did not stop at the stop sign. A southbound tractor-trailer collided with the OPP cruiser, causing catastrophic injuries to the officer who was a passenger in the cruiser. He was transported to hospital where he ultimately died of his injuries.

Director Scott said, "At the point of impact, the police cruiser was traveling at either a slow rate of speed or was stationary. In deciding whether the subject officer engaged in driving that was a marked departure from the level of care that a reasonable person would have exercised in the circumstances, I have taken into consideration the following factors. This collision happened in broad daylight on a straight road. The speed reported from the downloaded black box seized from the tractor-trailer at the point of impact indicated a truck speed of 47 km/h, well below the posted speed limit of 80 km/h. There is no suggestion of alcohol or drugs affecting the driving ability of the subject officer. Further, there does not appear to be anything that would have obstructed the view of the subject officer at the corner of the two roadways. The most reasonable interpretation of this tragic event is that the subject officer never saw the tractor-trailer until the last moment due to her attention being focused on the apprehension of the individual who was attempting to elude the police. Taking all of this into consideration, I am of the view that the subject officer's driving, notwithstanding the catastrophic consequences, was not a marked departure from a similarly situated reasonable person."

## 09-PSA-200



On August 13, 2009, the Ontario Provincial Police contacted the SIU regarding allegations of a sexual nature against one of their police officers based in Kapuskasing. The SIU assigned two investigators and one forensic investigator to probe the circumstances of the occurrence.

Based on the results of the SIU investigation, the Director caused the following charges to be laid against the officer: one charge of Sexual Assault, contrary to s. 271 of the Criminal Code of Canada; and, two charges of Sexual Exploitation, contrary to s. 153 of the Criminal Code of Canada.

The officer was arrested and subsequently released on conditions. Justice Prosecutions of the Ministry of the Attorney General has carriage of the prosecution.

## 09-OCD-237



On September 12, 2009, officers with the Orangeville Police Service attended a residence after learning that a 39-year-old woman had been shot to death. Meanwhile, the subject officer was dispatched to a Mono Township residence to assist in finding her 42-year-old husband, who was suspected in the death. A deceased male was found in the home with a gunshot wound to his chest.

Based on the results of the SIU investigation, which was conducted by three investigators and two forensic investigators, it was determined that there were no reasonable grounds to believe the subject officer

committed a criminal offence in relation to the death of the man. The investigation found that the officer was maintaining a surveillance position outside the residence when the man shot himself.

Director Scott concluded, "A handgun was found on the bed and a handwritten note that could be construed as a suicide note was found in the kitchen. By all accounts, the man committed suicide on his own accord and the subject officer was not involved in any way in the man's decision or action to end his own life."

## 09-OCD-266

The Waterloo Regional Police Service (WRPS) notified the SIU in October 2009 of the firearm death of a Heidelberg man.

The SIU immediately deployed three investigators and two forensic investigators to probe the circumstances of this incident. The incident scene was photographed and videotaped, and computers, a shotgun and police firearms were seized. The SIU Affected Persons Coordinator also provided assistance and support services to the family.

The investigation determined that on the evening of October 13, 2009, WRPS officers attended a residence in Heidelberg after receiving information that a 64-year-old man was threatening to harm himself, and that he had access to firearms. After arriving, the subject officer drew his firearm and took a position behind his police cruiser. He received further information that the man had left the residence and was proceeding to a nearby bush with a long gun. Shortly thereafter, the officer heard a muffled bang, and later received information that the man died of a close range shotgun wound to the head.

Director Scott said, "By all accounts, the man's death was caused by a self-inflicted firearms wound. There is no evidence to suggest that the subject officer discharged his firearm or had any direct contact with the man proximate to the moment of death. Accordingly, he cannot be held criminally liable for his death."

## 09-TFD-310

On the evening of December 27, 2009, the SIU was notified of the firearm death of a 34-year-old man. The Laval, Quebec man died after an encounter with officers from the Toronto Police Service (TPS).

The SIU photographed the scene and made videotape recordings of the area. The scene was also measured using a Total Station device for forensic mapping purposes. Clothing, spent ammunition cases and several projectiles were collected from the scene.

Through the investigative work of nine SIU investigators and three SIU forensic investigators, the SIU learned that on this date, the TPS received information that a man had pointed a firearm at an individual in front of the Cineplex Theatre at 1901 Eglinton Avenue. Officers arrived at the scene and were directed to the man. They yelled at him to get on the ground, but instead, he took what appeared to be a black handgun with a long barrel out of his clothing and pointed it at them. The four subject officers responded by discharging their firearms at him, causing his death. Upon inspection, the handgun was determined to be a pellet gun.

Director Scott said, "In my view, the subject officers were justified in law in causing the death of the man. They had received credible information that he had pointed a firearm at a citizen. Given this information, they had the lawful authority to command him to lie on the ground pursuant to ss. 25(1) of the Criminal Code. Further, they had the lawful authority to use lethal force pursuant to ss. 25(3) of the Criminal Code when the man pointed the firearm at them because they reasonably believed it was necessary for their self-preservation, and there was no alternative to using this force. They also had the right to use lethal force under s. 27 of the Criminal Code when he pointed the firearm at other officers in order to prevent the commission of an offence that would likely cause immediate and serious injury to others."

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# Forging Stakeholder Relations: Communications

## MEDIA RELATIONS

For the 2009-10 fiscal year, the SIU was involved in 287 investigations, another high volume year. Needless to say, this kept the media relations branch of the SIU very busy. The SIU's Communications Coordinator, the Unit's primary spokesperson with overall responsibility for media relations, is responsible for responding to the media at scenes of major events. In addition, the Coordinator will work out of the SIU's headquarters to respond to media requests for follow-up interviews and ongoing progress reports during the course of an investigation. This requires a balancing act, as the needs and sensitivities of the media, complainants, the community, police and the SIU all have to be considered within a legislative framework. Ensuring that information released by the SIU is fair, does not prejudice the investigation and

does not violate the privacy rights of those involved is of primary importance.

In order to maintain its timely response to news organizations during all hours of the day, lead investigators and supervisors have also been provided media training. This increased availability of SIU representatives to respond to media inquiries has enhanced media coverage of SIU activity and has improved the media's understanding of the agency's investigative processes. The Unit has also updated its news release format to provide greater information on the circumstances of the incidents as well as details about how the Director arrives at his decisions.



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## PROFILE: COMMUNICATIONS COORDINATOR / MONICA HUDON



On September 3rd, 2009, a Hamilton Police Service (HPS) officer attempted to stop a vehicle for a traffic offence. The driver however, failed to stop, and a short time later crashed into a stone wall. As the driver was seriously injured, three investigators and two forensic investigators from the SIU began probing the incident. The investigation involved interviews with a dozen witnesses and the meticulous collection of a wealth of evidence.

This was my first venture into the world of investigations, as I had joined the SIU as Communications Coordinator only a few days prior. I was incredibly impressed with how thorough and unbiased the investigation was, and the professionalism and dedication of the Unit members. This has been my observation in more than one hundred cases since then, and I am privileged to be part of an agency that plays a crucial role in our justice system by ensuring there is one law for all Ontarians.

The subject matter of SIU investigations is of interest to many, and so I'm responsible for developing communications strategies and managing issues for controversial and complex issues which are of interest to the public. This is accomplished through open lines of communication between the SIU and the media.

I have more than 10 years' experience in media, communications and public relations. Most recently, I was the Director of Communications for aerospace company MDA. Prior to that, I worked in the communications department for Canada Post. I have also held Reporter and Videojournalist roles at a number of television networks, including CTV and A-Channel.

# Forging Stakeholder Relations: Outreach

## OUTREACH

Outreach remains a fundamental part of the SIU's overall mission. The outreach work performed by the SIU relates to those efforts aimed at spreading the word about the Unit to people and communities that could be impacted by its work. The hope is that increased understanding of the SIU brings with it an enhanced ability on the part of individuals and groups to report incidents and cooperate with the Unit. Outreach is important in instilling confidence in the work of the Unit, encouraging more constructive scrutiny of that work with related opportunities for learning by SIU staff, and creating a workforce that is more sensitive to and reflective of the public it serves. In short, outreach assists the SIU in fulfilling its mandate.

Identifying strategic opportunities to reach out to the more than 12 million residents of Ontario is an ongoing challenge. The Unit's outreach program, now led by the Outreach Coordinator, is carried out by staff from all levels of the organization and includes meetings with secondary and post-secondary students, community

organizations and other interested audiences at conferences and various public venues. This year SIU staff participated in 63 meetings and presentations across Ontario to a variety of groups.

In addition, the SIU's Director's Resource Committee (DRC) met collaboratively with the newly established Office of the Independent Police Review Director on February 22nd, 2010. Established in 2002, the DRC continues to bring community representatives together with the Director to discuss matters of mutual interest relating to the work of the Unit. The Committee is comprised of leaders from various community groups. The SIU and OIPRD are committed to maintaining the DRC as a formal mechanism for information exchange and dialogue between the two oversight agencies and communities.

Regular meetings with police Chiefs and other police representatives remained an important component of the SIU's outreach efforts during the year.

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## PROFILE:

### OUTREACH COORDINATOR / JASBIR BRAR



As the SIU's first Outreach Coordinator, I am excited to accept the challenge of shaping the Unit's outreach strategy. The outreach function is important in raising the Unit's profile as an independent civilian oversight agency and in building confidence in the Unit's

investigative processes. As the Unit forges forward into its twentieth year, awareness and understanding of its mandate and investigative processes by its stakeholders, in particular community members, will help continue to build a strong organization.

The SIU's stakeholder network is comprised of many groups and organizations which can be loosely categorized into four groups: police services, community members and organizations, media and academics.

The role of the Outreach Coordinator is a dynamic one, from developing the SIU's public facing website, to producing the Annual Report, to coordinating the Unit's involvement in public education forums with the stakeholders mentioned above. As the Outreach Coordinator, I will be working towards establishing operational partnerships with stakeholders, the aim being to promote awareness of the SIU to the general public and increase access to the Unit.

I look forward to enhancing relationships that will further understanding and awareness of the unique role of the SIU in Ontario's justice system.

## OUTREACH PRESENTATIONS

(Some listings represent multiple presentations during the year)

LOCATION	EVENT
ALLISTON	Ontario Council of Agencies Serving Immigrants Executive Directors Meeting
AYLMER	Ontario Police College (OPC) Media Course OPC Graduates OPC Front Line Supervisors Course
BARRIE	Barrie Police Service
BROCKVILLE	Law and Security Course St. Lawrence College
BURLINGTON	Halton Industry Education Council
COBOURG	Willis College
GREATER TORONTO AREA	Osgoode Hall Law School students University of Toronto Forensics Identification Course Association of Black Law Enforcers Toronto Police Services Board Ontario Justice Education Network Midaynta Community Services Office of the Independent Police Review Director Canadian Tamil Congress York Regional Media Officers
GUELPH	Guelph and District Multicultural Centre
HAMILTON	Police Association of Ontario Annual General Meeting Hamilton Christian District High School
JACKSON'S POINT	Ontario Community Justice Association Conference
KITCHENER	Everest College Police Foundations Course Conestoga College Police Foundations Course
MISSISSAUGA	Peel Regional Police Front Line Supervisors Humber College Lakeshore Campus Garda Ombudsman, Site Visit Reach Out Youth Group Toronto Transit Commission Unitarian Congregation of Mississauga

<b>LOCATION</b> cont'd	<b>EVENT</b> cont'd
NIAGARA	Niagara College/OPC Front Line Supervisors
ORILLIA	Ontario Provincial Police (OPP) Media Course OPP Professional Standards Board Ontario Association of Chiefs of Police SIU Workshop
OSHAWA	University of Ontario Institute of Technology Criminology Course
OTTAWA	Algonquin College Canadian Association for Civilian Oversight of Law Enforcement OPC Front Line Supervisors Commission for Public Complaints Against the RCMP Canadian Society for Industrial Security
SUDBURY	Ontario Association of Chiefs of Police Board of Directors Meeting
VANCOUVER, BRITISH COLUMBIA	David and Cecilia Ting Forum on Justice Policy



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## PROMOTING CIVILIAN OVERSIGHT IN CANADA: CACOLE

The SIU continues to share and build upon its experience in the field of civilian oversight of law enforcement through its membership in the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE). CACOLE is the umbrella group for individuals and agencies across Canada engaged in the work of police oversight.

Once again, CACOLE's highlight event was its annual conference, held in June of 2009, in Ottawa. Four members of the Unit attended the conference, including the Outreach Coordinator. The conference provided a valuable forum for the Outreach Coordinator, a newly created position at the Unit, to begin the work of building relationships within the national and international oversight communities. The Unit's Director spoke at the conference about best practices relating to note-taking by police officers and the Unit's Counsel spoke about third party access to SIU files.

## AFFECTED PERSONS SERVICES

Given the serious and often traumatic nature of incidents investigated by the SIU, the Affected Persons Coordinator (APC) provides support services to affected persons. The creation of this position has contributed significantly to the ability of the SIU to respond meaningfully to the social needs of those persons impacted by SIU investigations. Affected persons include complainants, the family members of complainants and others, such as civilian witnesses who may have been present at a traumatic incident.

The APC becomes involved in an investigation when a need for the services is identified by investigators in consultation with the case supervisor.

### APC Services

- Support services 24/7
- Referral to short-term crisis and grief counselling
- Referral to longer-term resources such as drug and alcohol rehabilitation programs
- Assistance through the investigative process and thereafter
- Communication with SIU investigators
- Public education and community outreach

Assistance from the APC improves an affected person's ability to participate in investigations, while also allowing investigators to be fully dedicated to gathering investigative evidence and facts. Connecting with community resources also helps maintain a continuum of service so affected persons can receive support in a consistent manner.

During this fiscal year, the APC was involved in a total of 42 investigations. This total includes eleven sexual assault complaints, ten custody deaths, seven firearm deaths, seven vehicle deaths and five vehicle injuries.

## FIRST NATIONS LIAISON PROGRAM

The Unit's First Nations Liaison (FNL) program aims to foster constructive growth in the SIU's relationship with First Nations communities. The purpose of the FNL program is to ensure that all aspects of the Unit's business touching on First Nations people or communities reflect their unique cultural, historical and constitutional status in Canadian society.

Three investigators have been designated as First Nations Liaisons, two of whom are of First Nations heritage. Whenever possible, a First Nations Liaison leads or participates in investigations involving or having an impact upon First Nations people or communities. In 2009-10, the program was actively engaged in eight cases involving a person of First Nations heritage. In most instances, SIU investigators trained in the program led the investigations. In other cases, they were instrumental in various aspects of the investigations, such as interviewing witnesses.

### FNL outreach to Aboriginal groups:

- First Nations Policing Forum
- Federation of First Nations Friendship Networks
- First Nations Career Fair
- Aboriginal Legal Services of Toronto



# Fostering Staff Development: Training

## TRAINING

The Unit is committed to providing an environment for continued growth and learning for all staff. Training for Unit personnel continues to be administered by the Training Coordinator, and guided by the organization's vision, mission and values statement. In addition to organizing three annual Investigators' Training Seminars, the Training Coordinator also researches new staff development opportunities and addresses staff training requests on an as-required basis.

In an effort to build on the progress that was realized in the previous year, the Unit continued to focus on effective communication, and as such, incorporated the goal of improving on the Unit's written work product.

This objective was supported by an increased focus on the part of the supervisors with respect to employee learning plans, an integral part of the performance appraisal process. The Unit explored a number of different mediums to attain its training goals; for example online courses, blended learning, and on-site and external training. The Unit also continued to explore existing e-learning opportunities which were offered by the Government's Centre for Leadership and Learning (CFL), the learning site of the Ontario Public Service (OPS).

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## PROFILE:

### ACTING INVESTIGATIVE SUPERVISOR / OLIVER GORDON



During my six month term in the Acting Investigative Supervisor position, I had the opportunity to learn many things, about both myself and the SIU. I knew the position would be a challenging one, as my workload and responsibilities would increase significantly. I have developed a greater understanding of the day-to-day operations at the management level and had the chance to participate actively in the decision-making process. The position helped me develop skills in balancing investigative responsibilities with the Unit's

organizational priorities while keeping in mind budgetary and resource constraints.

As an Acting Supervisor one of the key initiatives in which I assisted was the implementation of a pilot project for the use of a government file sharing tool known as Enterprise Attachment Transfer Service (EATS). Following testing and approval, EATS is now used agency-wide to download large files such as audio recorded interviews directly to our office servers. This system has eliminated the need for courier services reducing costs and delays resulting from package arrivals. The implementation of EATS has been a significant move forward in allowing for streamlined and timely investigations.

Having acted in the supervisory role I now also have an appreciation for the various investigative styles of the investigative team. This was an excellent opportunity for me to learn from my peers and adopt some of their investigative practices while sharing with them my experience.

A staff development opportunity such as this was a welcome challenge for me. This type of hands-on experience allowed me to build my understanding of the scope of issues faced by SIU at various levels of the organization.

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## 2009–2010 FORENSIC IDENTIFICATION & INVESTIGATIVE TRAINING

(Course, Workshop / External Provider)

### INVESTIGATIONS

The Unit was able to fulfill its outstanding General Investigation Training (GIT) needs by gaining advanced standing for one investigator, and registering another on a blended GIT course. The CFLL continues to be an integral provider of cost effective communications training. A number of registrations were processed for both the *Clear Writing* and *Conflict Resolution* offerings this past fiscal year.

**AED / CPR / First Aid Training (Cardiac Safe City Program)** / Toronto EMS

**Applied Forensic Videography** / CFLL

**Basic Bloodstain Pattern Recognition** / Ontario Police College

**Conflict Management** / CFLL

**Diversity & Inclusion Awareness** / CFLL

**Essentials of Managing** / CFLL

**Excited Delirium Conference** / Canadian Centre for the Prevention of In-Custody Deaths, Inc.

**Facilitation Skills: Basics** / CFLL

**Front Line Supervisor** / Ontario Police College

**General Investigative Techniques** / Ontario Police College

**Investigative Interviewing** / CFLL

**May I Help You? Welcoming Customers with Disabilities** / CFLL

**Meaningful Work: Values and Ethics in the Public Service** / CFLL

**National Aboriginal Policing Forum** / Pacific Business & Law Institute

**Project Management: PM for Smaller Projects** / CFLL

**SAE 2009 World Congress** / Society of Automotive Engineers

**Sexual Assault Investigation** / Ontario Police College

**Traffic Accident Reconstruction Refresher** / Center for Public Safety, Northwestern University

**Travel, Meal and Hospitality Expenses Directive** / CFLL

**2009 Diversity Conference: Racially Biased Policing** / Toronto Police Service

**23rd Forensic Identification Conference** / Toronto Police Service

### INVESTIGATORS' TRAINING SEMINAR (ITS) TOPICS

**Cultural Diversity** / Russian and Tamil Cultural Communities

**I & IT Security** / Current IT Security Issues / Data Encryption / Securing a Wireless Network

**Communications Workshop** / Ivey School of Business

Memory 101: A Primer

Microsoft Office 2003 Overview

Not Just Another Call

Office of the Independent Police Review Director Overview

Peer Case Reviews (08-TCD-116 / 05-PCI-160 / 08-OCD-194)

Understanding Ontario's Use of Force Model

## AFFECTED PERSONS COORDINATOR TRAINING

**Canadian Conference on the Prevention of Domestic Homicide** / Centre for Research and Education on Violence Against Women and Children (*Faculty of Education, University of Western Ontario*)

**Death Notification Workshop** / Victim Services (*Wellington*)

**Serving the Needs of Victims While Finding Appropriate Boundaries** / Victim Services (*Guelph*)

**Trauma In the Mind's Eye** / Hinks Dellcrest Centre

## HEALTH & WELLNESS TRAINING (FACILITATED AT THE ITS)

**The Art of Managing Conflicts** / Shepell-Fgi

**Conflict Management Resolution in the Workplace** / Shepell-Fgi

**Setting & Achieving Your Goals** / Shepell-Fgi

## FORENSIC IDENTIFICATION & INVESTIGATIVE TRAINING FACILITATED BY UNIT PERSONNEL

The Director continues to sit as a member of the Centre of Forensic Sciences Advisory Committee, which meets two or three times a year at its downtown office.

In addition to continued attendance at the Ontario Police College, the Unit attempted to register two of our Forensic Investigators in the Basic Bloodstain Pattern Recognition training at the Canadian Police College. Unfortunately, due to some very strict pre-requisites, we were unsuccessful in our attempts. The Unit will continue to investigate external training opportunities as they become available.

In an effort to ensure that the Unit's motor vehicle collision reconstructionists remained current with respect to advancements in that particular field, two members attended a three day Traffic Accident Reconstruction Refresher at Northwestern University's Center for Public Safety

**Peer Case Reviews**

**Qualifying Questions for Officers' Notes**

**SIU Protocol for Processing a Scene**

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## **ADMINISTRATIVE TRAINING**

Members of our administrative team attended the REACH Conference 2009. This administrative conference, hosted by the Central West Inter-ministerial Council, featured a number of keynote speeches and workshops aimed at helping staff achieve a positive work / life balance.

**Accrual Based Budgeting / CFLL**

**Facilitation Skills: Basic / CFLL**

**Introduction to Government Accounting / CFLL**

**Is Management for Me? / CFLL**

**Leadership at the Frontline / CFLL**

**May I Help You? Welcoming Customers with Disabilities / CFLL**

**Project Management 101 / CFLL**

**REACH Conference 2009 / CFLL**

**Retirement Planning Symposium: Retirement with Intention / CFLL**

**Showcase Ontario (OPS Learning and Development)**

**The Managing Emotions Seminar / Skillpath**

**Travel, Meal and Hospitality Directive / CFLL**

## **MANAGEMENT TRAINING**

Two of the more prominent e-learning initiatives utilized by the management team were Creating Your OPS Performance and Learning Plan and the SafeSmart health and safety module.

**Aboriginal / First Nations Awareness / Canadian Police Knowledge Network**

**AED / CPR / First Aid Training (Cardiac SafeCity Program) / Toronto EMS**

**Bootcamp: How to Write A Social Media Marketing Plan / Classroom Learning.com**

**Canadian Justice System and Legislation / Sheridan College**

**Creating Your OPS Performance & Learning Plan / CFLL**

**FBINAA 2009 Annual Training Conference**

**Human Rights: Process, Implications & Accountability / Ontario Police College**

**Integrating Personal & Organizational Power: The Six Stages of Leadership / Institute for Management Studies**

**Labour Relations in the OPS: A Leadership Perspective / CFLL**

**Leveraging Diversity: The Manager's Role / CFLL**

**May I Help You? Welcoming Customers with Disabilities / CFLL**

**Meaningful Work: Values and Ethics in the Public Service / CFLL**

**National Aboriginal Policing Forum / Pacific Business & Law Institute**

**Negotiation: The Art of the Deal / CFLL**

Ontario Community Justice Association Conference / OCJA  
Professional Standards Conference / Toronto Police Service  
Retirement Planning Symposium: Retirement with Intention / CFLL  
Risk Management: Introduction  
Showcase Ontario / OPS Learning and Development  
Travel, Meal and Hospitality Expenses Directive / CFLL  
Understanding Joint Retainers / Law Society of Upper Canada  
Unpacking Recent SCC Search Cases  
Values In Action / CFLL  
WDHP for Managers / CFLL  
Writing Clear News Releases / Classroom Learning.Comm  
2009 Diversity Conference: Racially Biased Policing / Toronto Police Service  
3rd Annual Drafting & Reviewing Search Warrants / Osgoode Continuing Education

## TRAINING COORDINATOR DEVELOPMENT

Canadian Society of Training and Development (CSTD) & IFTDO World Conference & Trade Show 2009 / CSTD  
Transfer of Learning: Made to Measure / CSTD  
May I Help You? Welcoming Customers With Disabilities / CFLL  
Creating Your OPS Performance & Learning Plan / CFLL  
Travel, Meal and Hospitality Expenses Directive / CFLL

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# Human Resources

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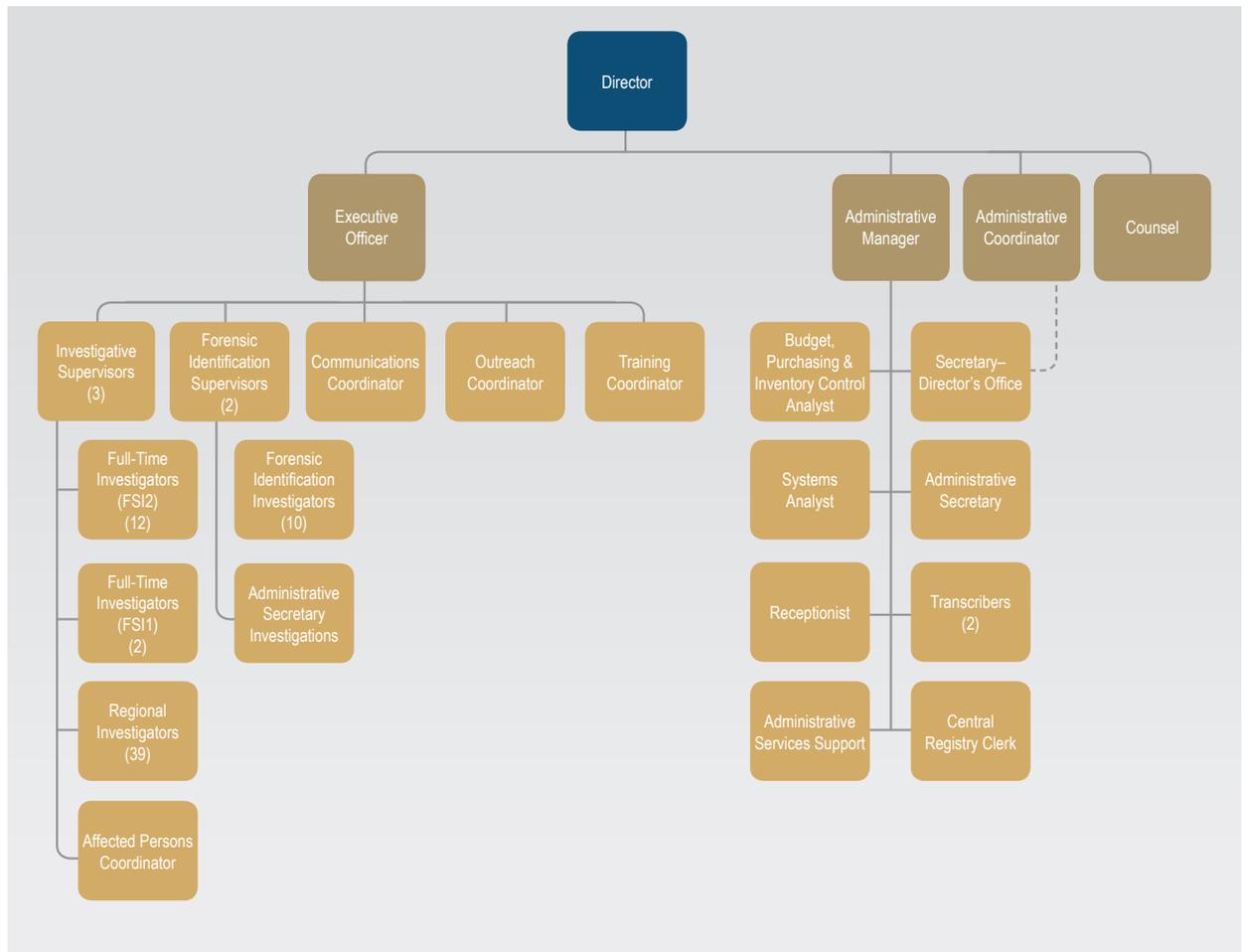
## THE ORGANIZATION

At the end of the 2009-10 fiscal year, the SIU had 87 members on staff .

## RECRUITMENT

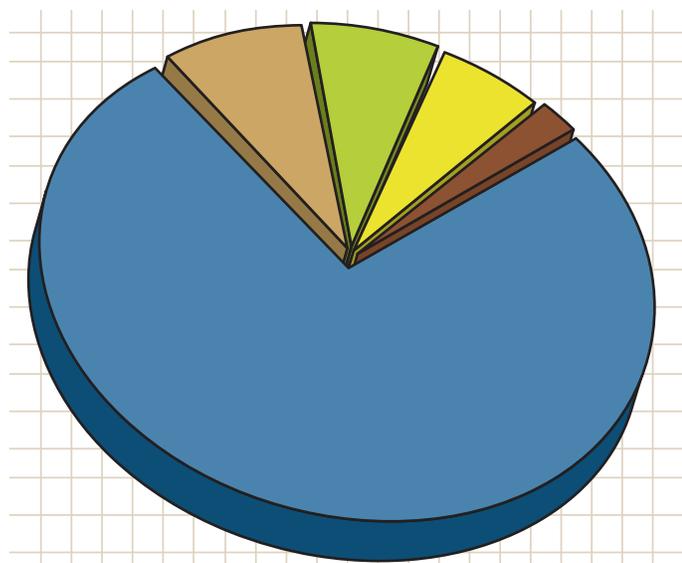
During the year, the SIU filled the previously vacant Communications Coordinator position and two transcriber's positions. Also the Unit added new positions for the Outreach Coordinator and one administrative position.

## THE SPECIAL INVESTIGATIONS UNIT ORGANIZATION



# Financial Expenditures

## 2009–2010 EXPENDITURES

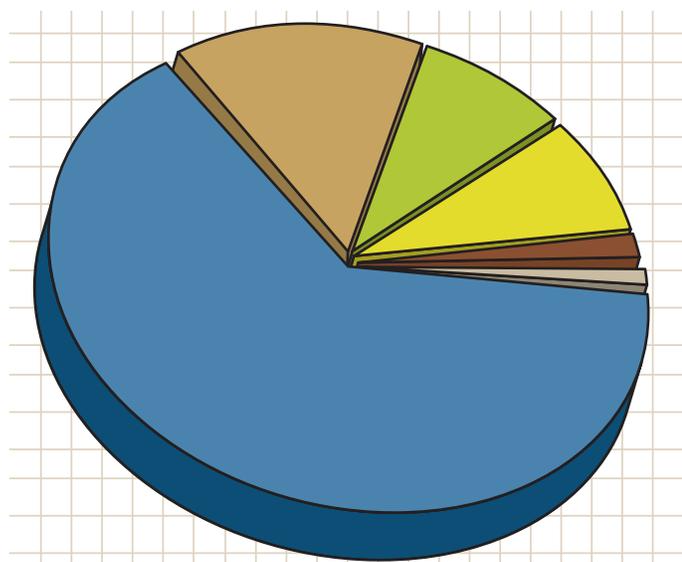


### TOTAL ANNUAL EXPENDITURES

for the year ended March 31, 2010 were \$ 7,461,012.

- SALARIES & WAGES  
\$ 5,687,472 / 76%
- BENEFITS  
\$ 635,531 / 9%
- TRANSPORTATION & COMMUNICATIONS  
\$ 535,935 / 7%
- SERVICES  
\$ 427,834 / 6%
- SUPPLIES & EQUIPMENT  
\$ 174,240 / 2%

## 2009–2010 EXPENDITURES BY SECTION



- INVESTIGATIVE SERVICES  
\$ 4,840,047 / 66%
- IDENTIFICATION SERVICES  
\$ 1,081,701 / 14%
- OFFICE OF THE DIRECTOR  
\$ 615,203 / 8%
- ADMINISTRATIVE SERVICES  
\$ 598,853 / 8%
- COMMUNICATIONS & OUTREACH  
\$ 242,663 / 3%
- TRAINING SERVICES  
\$ 82,545 / 1%

Includes Salaries/Wages and Benefits for Transcribers, Central Registry Clerk and Administrative Secretary–Investigations

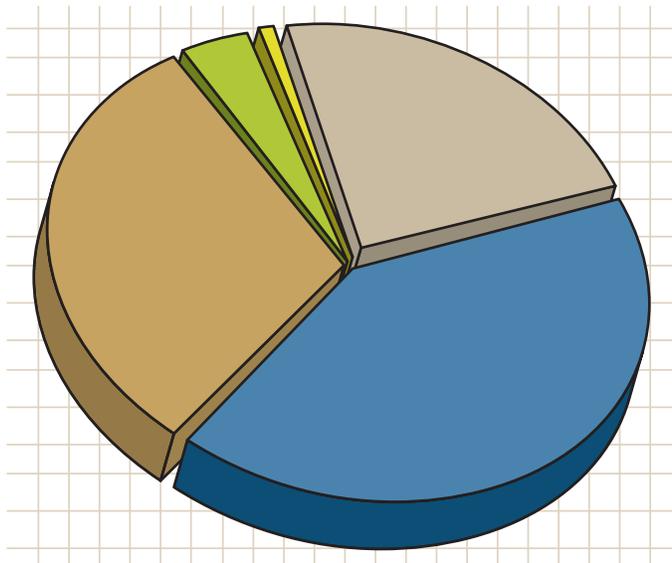


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## 2009–2010 TRAINING EXPENDITURES



- INVESTIGATIVE SERVICES  
\$ 148,454 / 42%
- IDENTIFICATION SERVICES  
\$ 108,608 / 30%
- TRAINING COORDINATION  
\$ 82,545 / 23%
- OFFICE OF THE DIRECTOR  
\$ 14,219 / 4%
- ADMINISTRATIVE SERVICES  
\$ 2,808 / 1%





# PART 3



# PART 3 FORGING FORWARD

## SIU 2009 – 2010 ANNUAL REPORT

### FORGING FORWARD

AS THE SIU HEADS TOWARDS its twenty year anniversary in September 2010, the following are some of the issues that it will address in the next fiscal year.

The independence of police officers' notes, the definition of 'serious injury' and protocols with police agencies, issues first broached in the last fiscal year, will continue to be important ones in the months to come. The Ministry of the Attorney General has retained The Honourable Patrick LeSage, former Chief Justice of the Superior Court of Ontario, to meet with the Unit, community groups and policing representatives to move forward in these areas.

There is also a pending court application scheduled to be heard in May 2010 brought by the families of two men who died in unrelated police shootings for a declaration interpreting the 'duty to co-operate' provision of the SIU mandate. More specifically, the application is seeking guidance on the issue of the independence of notes and the effect of one lawyer acting for multiple involved officers in SIU incidents. The judicial decision in this application may have an impact on some of the issues subject to discussion with Mr. LeSage.

Next year will see at least one legislative change to the jurisdiction of the SIU. On December 15, 2009, the *Interprovincial Policing Act, 2009* received Royal Assent. When enacted, the Act will give police officers from other jurisdictions similar powers and status as an Ontario police officer when appointed as extra-provincial police officers. Extra-provincial police officers will fall under the jurisdiction of the SIU when acting as officers in Ontario if the Unit's mandate is invoked. It is anticipated that the government will proclaim this Act into law in the summer of 2010.

The Unit is also moving forward in formalizing its relationship with the Office of the Chief Coroner by developing a Memorandum of Understanding (MOU).

It is anticipated that a MOU will address issues of information sharing, attendance at autopsies and access to incident scenes.

Finally, the SIU will celebrate its twentieth anniversary in the next fiscal year. We anticipate holding an Open House in September 2010 to which all staff, former directors and community and police stakeholders will be invited. The anniversary will mark a true milestone in the growth of the SIU, providing an occasion to celebrate the Unit's accomplishments while laying down a footstone from which to forge forward with continued contributions to the cause of civilian oversight of the police.





## **PART 4**

# PART 4

## APPENDICES

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### APPENDIX A SIU OCCURRENCES BY FISCAL YEAR

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

\* Counted as year charge laid regardless of when incident reported

( ) Number of officers charged appears in brackets

# APPENDIX B

## 2009-10 SIU CASE BREAKDOWN BY COUNTY, POLICE SERVICE AND POPULATION

COUNTY	POP. *	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURY	FIREARM DEATH	CUSTODY INJURY	CUSTODY DEATH	VEHICULAR INJURY	VEHICULAR DEATH	SEXUAL ASSAULT	OTHER
<b>SIU CENTRAL REGION</b>												
Dufferin County	54,436	Orangeville Police Service	1	0.3%				1				
Brant County †	125,099	Brantford Police Service	5	1.7%			3		1		1	
		OPP Brant Detachment	1	0.3%			1					
Halton Regional Municipality	439,256	Halton Regional Police Service	7	2.4%	1		3	2	1			
		OPP Burlington Detachment	1	0.3%					1			
Simcoe County	422,204	Barrie Police Service	5	1.7%		1	3			1		
		OPP Collingwood Detachment	1	0.3%			1					
		OPP Huronia West Detachment	4	1.4%		1		1		2		
		OPP Southern Georgian Bay Detachment	3	1.0%				2		1		
		OPP Orillia Detachment	2	0.7%				1	1			
		South Simcoe Police Service	1	0.3%				1				
Niagara Regional Municipality	427,241	Niagara Regional Police Service	14	4.9%			9	1	3			1
		OPP Niagara Detachment	1	0.3%					1			
Hamilton Division	504,559	Hamilton Police Service	14	4.9%	1		9	1	2		1	
		Durham Regional Police Service	8	2.8%			4		3	1		
York Regional Municipality	892,712	OPP Whitby Detachment	2	0.7%					2			
		York Regional Police Service	10	3.5%			5		3		2	
Peel Regional Municipality	1,159,405	OPP Aurora Detachment	1	0.3%						1		
		Peel Regional Police Service	18	6.3%			17		1			
		OPP Caledon Detachment	3	1.0%			3					
		OPP Port Credit Detachment	2	0.7%			1				1	
<b>TOTAL- SIU CENTRAL REGION</b>	<b>4,693,982 *</b>	<b>(% OF ONTARIO'S POPULATION = 36.4%)</b>	<b>104</b>	<b>36.2% †</b>	<b>2</b>	<b>2</b>	<b>64</b>	<b>6</b>	<b>21</b>	<b>3</b>	<b>5</b>	<b>1</b>
<b>SIU TORONTO REGION</b>												
Toronto Division	2,503,281	Toronto Police Service	71	24.7%	1	1	51	5	6	1		6
<b>TOTAL- SIU TORONTO REGION</b>	<b>2,503,281 *</b>	<b>(% OF ONTARIO'S POPULATION = 21.7%)</b>	<b>71</b>	<b>24.7%</b>	<b>1</b>	<b>1</b>	<b>51</b>	<b>5</b>	<b>6</b>	<b>1</b>	<b>6</b>	<b>6</b>

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COUNTY	POP. *	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURY	FIREARM DEATH	CUSTODY INJURY	CUSTODY DEATH	VEHICULAR INJURY	VEHICULAR DEATH	SEXUAL ASSAULT	OTHER
<b>SIU EASTERN REGION</b>												
Prince Edward Division	25,496	Belleville Police Service	1	0.3%			1					
Lanark County	63,785	OPP Lanark County Detachment	1	0.3%							1	
Leeds & Grenville United Counties	99,206	Ganoque Police Service	1	0.3%			1					
		OPP Leeds County Detachment	2	0.7%		1			1			
		OPP Thousand Islands Detachment	1	0.3%					1			
Stormont, Dundas & Glengarry United Counties †	110,399	Cornwall Police Service	3	1.0%			2				1	
		OPP Stormont, Dundas & Glengarry Detachment	2	0.7%					1		1	
Frontenac County	143,865	Kingston Police Service	1	0.3%					1			
Ottawa Division	812,129	Ottawa Police Service	19	6.6%		1	8		6		3	1
		OPP Ottawa Detachment	1	0.3%					1			
Northumberland County	80,693	OPP Northumberland Detachment	3	1.0%			1		1			
Renfrew County	97,545	Pembroke Police Service	1	0.3%			1					
Peterborough County	133,080	Peterborough-Lakefield Community Police Service	1	0.3%					1			
		OPP Peterborough County Detachment	2	0.7%			1		1			
<b>TOTAL- SIU EASTERN REGION</b>	<b>1,308,106 *</b>	<b>(% OF ONTARIO'S POPULATION = 16.0%)</b>	<b>39</b>	<b>13.6% †</b>	<b>0</b>	<b>2</b>	<b>15</b>	<b>1</b>	<b>14</b>	<b>0</b>	<b>6</b>	<b>1</b>

<b>SIU NORTHERN REGION</b>												
Muskoka District Municipality †	57,563	OPP Bracebridge Detachment	4	1.4%			4					
Sudbury District	21,392	OPP Sudbury Detachment	1	0.3%				1				
Timiskaming District	33,283	OPP Temiskaming Detachment	1	0.3%			1					
Kenora District †	64,419	Kenora Police Service	1	0.3%					1			
		OPP Ignace Detachment	1	0.3%							1	
		OPP Pickle Lake Detachment	1	0.3%			1					
		OPP Red Lake Detachment	1	0.3%			1					

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COUNTY	POP. *	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURY	FIREARM DEATH	CUSTODY INJURY	CUSTODY DEATH	VEHICULAR INJURY	VEHICULAR DEATH	SEXUAL ASSAULT	OTHER
Nipissing District †	84,688	North Bay Police Service	2	0.7%			1		1			
		OPP North Bay Detachment	1	0.3%						1		
Cochrane District †	82,503	OPP Kapuskasing Detachment	1	0.3%							1	
		Timmins Police Service	1	0.3%			1					
Algoma District †	117,461	OPP Elliot Lake Detachment	1	0.3%				1				
Thunder Bay District †	149,063	Thunder Bay Police Service	4	1.4%			2				2	
Greater Sudbury Division	157,857	Greater Sudbury Police Service	3	1.0%			2		1			
<b>TOTAL- SIU NORTHERN REGION</b>	<b>843,801 *</b>	<b>(% OF ONTARIO'S POPULATION = 7.4%)</b>	<b>23</b>	<b>8.0% †</b>	<b>0</b>	<b>1</b>	<b>12</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>0</b>

SIU WESTERN REGION

Huron County	59,325	OPP Huron Detachment	1	0.3%		1						
Elgin County	85,351	Aylmer Police Service	1	0.3%			1					
		St. Thomas Police Service	1	0.3%			1					
		OPP Elgin County Detachment	1	0.3%						1		
Grey County	92,411	Owen Sound Police Service	1	0.3%			1					
Chatham-Kent Division	108,589	Chatham-Kent Police Service	1	0.3%						1		
		OPP Chatham-Kent Detachment	1	0.3%					1			
Wellington County	200,425	Guelph Police Service	1	0.3%			1					
		OPP Wellington Detachment	1	0.3%						1		
Essex County	393,402	Windsor Police Service	4	1.4%			2		1	1		
		OPP Essex Detachment	1	0.3%			1					
Middlesex County †	423,333	London Police Service	14	4.9%			10		2		1	1
		OPP Middlesex Detachment	1	0.3%					1			
Waterloo Regional Municipality	478,121	Waterloo Regional Police Service	21	7.3%	2		13	2	1		2	1
<b>TOTAL- SIU WESTERN REGION</b>	<b>2,211,610 *</b>	<b>(% OF ONTARIO'S POPULATION = 18.5%)</b>	<b>50</b>	<b>17.4% †</b>	<b>2</b>	<b>1</b>	<b>30</b>	<b>2</b>	<b>6</b>	<b>4</b>	<b>3</b>	<b>2</b>

<b>TOTAL- ALL SIU REGIONS</b>	<b>12,160,780</b>		<b>287</b>	<b>100%</b>	<b>5</b>	<b>7</b>	<b>172</b>	<b>16</b>	<b>50</b>	<b>9</b>	<b>24</b>	<b>4</b>
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\* Population information provided by 2006 Census Canada. Statistics Canada excludes First Nations data where enumeration was incomplete. For further information please refer to the Statistics Canada website. The total population for each region includes a population figure for counties in which no SIU cases took place, and therefore are not listed on the chart.

# Ontario Police Services Act, Section 113

## 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).

#### Acting director

**(3.1)** The director may designate a person, other than a police officer or former police officer, as acting director to exercise the powers and perform the duties of the director if the director is absent or unable to act. 2009, c. 33, Sched. 2, s. 60 (3).

#### Peace officers

**(4)** The director, acting director and investigators are peace officers. R.S.O. 1990, c. P.15, s. 113 (4); 2009, c. 33, Sched. 2, s. 60 (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).

#### Co-operation of appointing officials

**(10)** Appointing officials shall co-operate fully with the members of the unit in the conduct of investigations. 2009, c. 30, s. 60.

# SIU

2009 – 2010  
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**SPECIAL INVESTIGATIONS UNIT**

**[www.siu.on.ca](http://www.siu.on.ca)**

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