

SPECIAL INVESTIGATIONS UNIT



JANUARY – MARCH 2020

QUARTERLY REPORT

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INTRODUCTION

At the start of the year 2020, Joseph Martino accepted a two-year appointment as the SIU's director, having served in the interim director capacity for most of 2019. In accepting his appointment, Mr. Martino said that transparency remains a pressing objective and the SIU must continue to push the envelope with the amount of information released to the public while respecting the legal limitations in place meant to protect the integrity of SIU investigations.

Traditionally, the SIU's annual reports are calendar based in a calendar year. However, with the coming into force of the *Special Investigations Unit Act, 2019* in December 2020, the SIU must now report based on the fiscal year – the beginning of April to the end of March. As our last annual report covered the period until the end of December 2019, and the next annual report period begins in April 2021, this quarterly report capturing January to March 2020 has been prepared to bridge the gap.

COVID-19 PANDEMIC

In January 2020, The World Health Organization (WHO) declared coronavirus a global health emergency.

With increasing transmission in the province of Ontario, a state of emergency was declared by Premier Doug Ford on March 17, 2020, including the gradual implementation of restrictions on gatherings and commerce.

On March 24, 2020, the Secretary of the Cabinet Steven Davidson, made the following announcement to all Ontario Public Service (OPS) staff, which includes the SIU staff:

. . . Yesterday the government announced that it will order the mandatory closure of all non-essential workplaces effective as of Tuesday, March 24 at 11:59 p.m. This closure will be in effect for 14 days with the possibility of extending as the situation evolves. . .

Recognizing that significant efforts have already been underway to enable remote work, we will only be asking OPS employees to come to work in person if a ministry requires them to deliver critical services, effective Wednesday, March 25, 2020, and until further notice.

All services (critical or otherwise) that can be delivered remotely should continue.

Employees who do not support critical services and who cannot work remotely will be asked to remain at home. The OPS has a significant role in addressing this current pandemic, and thus I strongly believe that this precautionary measure is required.

This decision was not made lightly, and I have consulted with the deputy ministers to ensure all ministries are prepared to implement this updated direction. I have asked all deputy ministers to communicate within their organizations regarding their critical services.

While doing everything we can to ensure the delivery of critical public services is important, your health and safety is equally important. . .

Subsequent Announcement

The OPS will continue to pause on its workplace reintegration plans until at least late January 2021 and reassess the impact of the pandemic at that time.

COMMUNICATION WITH MEDIA

Communication with the media is critical in ensuring that the SIU remains responsive, transparent and accountable to the public it serves. Because the SIU takes on cases at all hours of the day and night across the province, SIU Communications has made it a priority to respond to media 24 hours a day, seven days a week.

In the three-month period from January 1, 2020 to March 31, 2020, SIU Communications responded to approximately 112 inquiries from media via phone, email, text, Twitter and in-person. The nature of the questions varied, with media looking for the following types of information:

- Updates on SIU cases;
- Statistics; and
- Backgrounder information to get a better understanding of SIU policies and procedures.

While the vast majority of calls are from media across Ontario, SIU Communications also fields and responds to inquiries from across the country, as well as from international media.

Status of SIU Cases

Though the time of this report, the SIU was mandated with investigating incidents involving police that resulted in serious injury, death, or an allegation of sexual assault. Due to the complexity and/or circumstances of any case, these investigations can require a significant amount of time to complete. The length of an investigation may be impacted by how long it takes to conduct interviews and gather and analyze physical evidence. For example, significant delay can result when the SIU must await the completion of expert reports from outside organizations with respect to the forensic analysis of evidence or the completion of a post-mortem examination report. While the SIU recognizes it is important to resolve cases in a timely manner, the thoroughness of the investigation must take precedence over the length of time it takes to finish an investigation.

In an effort to keep the public up-to-date on the progress of SIU investigations, the Unit continues to proactively provide updates on each investigation via the Unit's Status of SIU Cases chart at https://www.siu.on.ca/en/case_status.php, a practice that began July 1, 2018.

News Releases

From January 1, 2020 to March 31, 2020, the SIU issued 57 news releases.

18 News releases were issued in the early stages of an investigation

The SIU has committed to issuing news releases at the beginning of investigations in cases where a death has occurred, a firearm has caused serious injury, there has been a major vehicle collision, a significant public interest has been generated.

23 News releases were issued in cases where the evidence did not satisfy the director that there were reasonable grounds to lay charges

At the conclusion of a SIU investigation, if the evidence does not satisfy the director that there are reasonable grounds to lay criminal charges, a Director's Report is produced and posted to the SIU's website. Each time a report is published, the SIU notifies the public of the report by issuing a news release.

13 News releases were issued for cases terminated by memo

In order to promote transparency, investigations that are terminated because the mandate of the SIU is not engaged, including instances in which it is determined that no serious injury was sustained, the SIU issues a news release. This practice was initiated in the summer of 2017.

3 News releases were issued in cases where charges were laid

Information Release in Cases Involving Allegations of Sexual Assault

In cases involving allegations of sexual assault, the SIU, as a general matter, did not release details to the public which could potentially identify the individual alleging a sexual assault occurred or the officer who was the subject of the allegation. This was so because the release of information related to investigations of sexual assault allegations is associated with a risk of further deterring what is already an under-reported crime and undermining the heightened privacy interests of the involved parties, most emphatically, the complainants. As with other types of cases, once a sexual assault investigation is underway, it is denoted on the Status of SIU Cases chart.

OUTREACH INITIATIVES

The SIU's outreach initiatives aim to increase public knowledge of the SIU's mandate, while creating meaningful dialogue with community stakeholders. Developing, strengthening and fostering relationships through outreach efforts enhances transparency, encourages mutual awareness and, ultimately, increases the public's confidence in the SIU's work throughout Ontario.

For the period January to March 2020, the Outreach Coordinator position remained vacant. The following chart sets out the number of presentations made by SIU staff to different types of audiences.

Outreach Presentations January – March 2020	
Academia (college, university, high school)	9
Community Groups	3
Hospital Staff	1
Total	13

AFFECTED PERSONS PROGRAM

The Affected Persons Program (APP) provides support services to those negatively impacted by incidents investigated by the Unit. The Program responds to the psychosocial and practical needs of complainants, their loved ones and witnesses by offering immediate crisis support, information, guidance, emotional support, systems navigation, advocacy and referrals to community agencies. Program staff are available to respond to the needs of affected persons 24 hours a day, 7 days a week.

The Affected Persons Court Support Program continues to provide direct support services to SIU complainants and witnesses throughout the court process, which is often difficult and confusing. Court support services are available to SIU complainants and witnesses when an investigation results in criminal charges.

APP Statistics

From January 1 – March 31, 2020, the Program was involved in 47 cases, including cases that required court support services.

*Some cases are referred to the Program outside of the year they occurred and/or support is provided beyond the year the investigation was launched.

*Many cases involve providing support services to more than one affected person.

All Cases, Breakdown by type:

Death	19
Sexual Assault	10
Injury	18

Court Support Program, Case Type Breakdown:

Death	3
Sexual Assault	4
Injury	6

TRAINING

The SIU training that occurred between January and March 2020 consisted of the following:

- January 23/24 – Mental Health First Aid, Affected Person Coordinator; and
- March 9 - Ontario Police College Forensic Recertification Exam (Six Forensic Investigators). This is administered every three years.

FIRST NATIONS, INUIT AND MÉTIS LIAISON PROGRAM

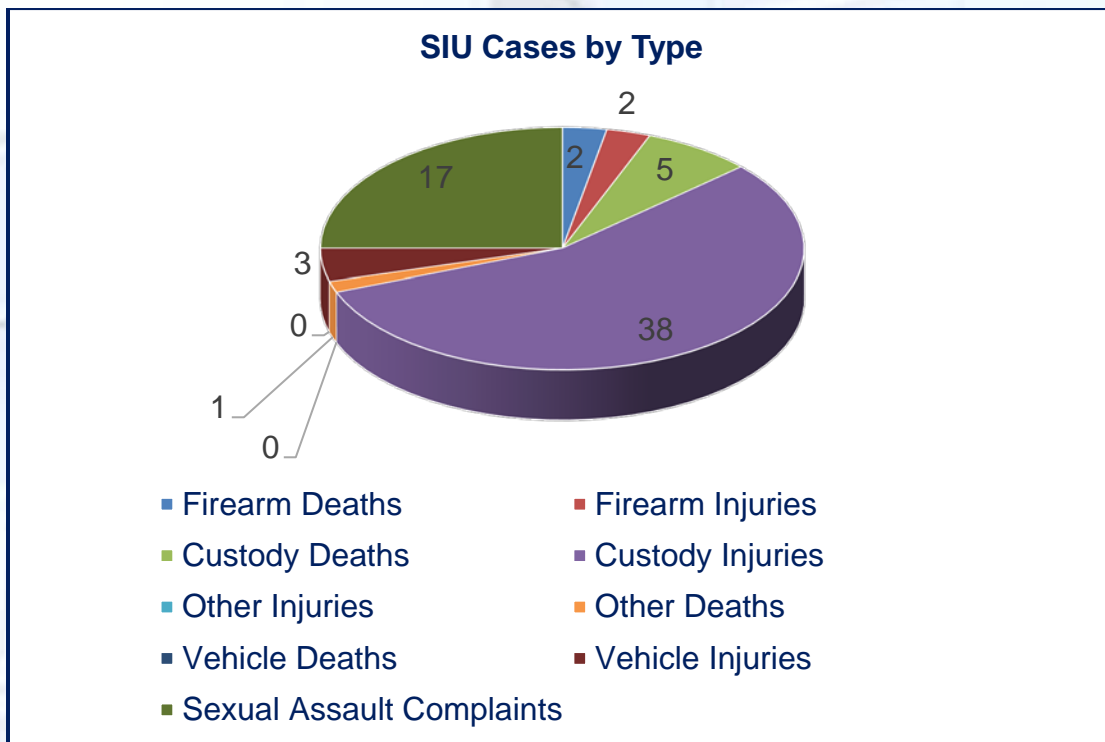
The objective of the First Nations, Inuit and Métis Liaison Program (FNIMLP) is to develop cultural competence in the Unit's approach to incidents involving First Nations persons or communities.

While the SIU does not have jurisdiction over First Nations police, the Unit has in place a protocol for incidents that may involve Indigenous communities in one way or another.

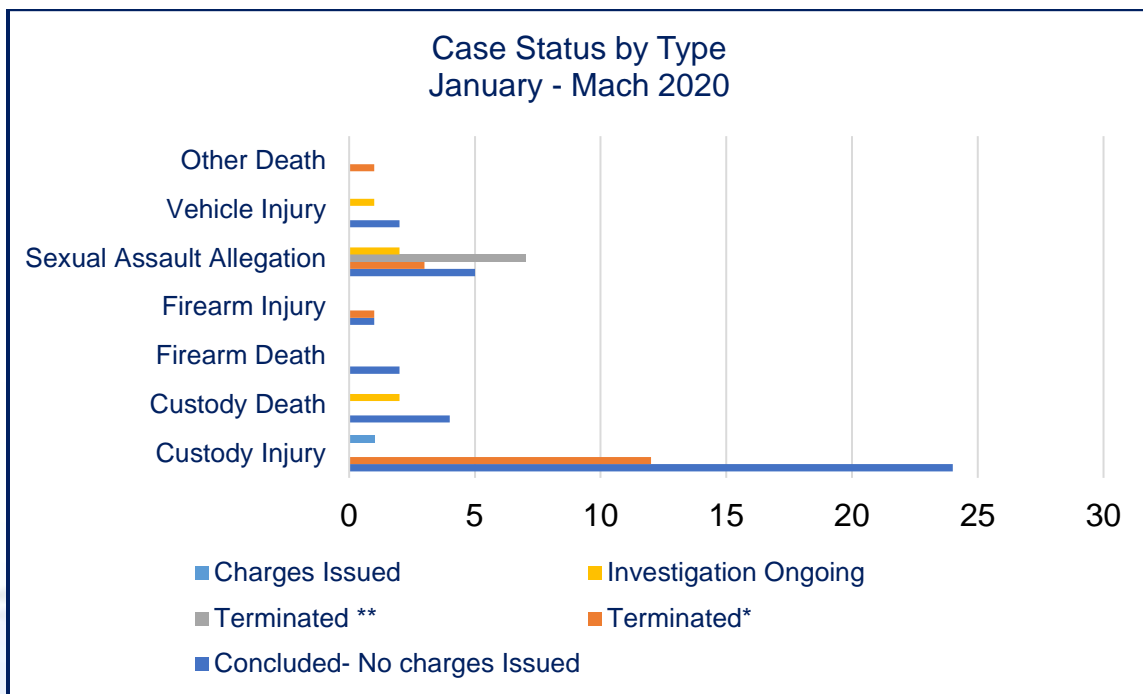
An additional investigator was added to the FNIM Liaison Program team. As a former member of the Sarnia Police Service (SPS), the investigator received regular training on Indigenous cultures.

Still living in the Sarnia area, the investigator has been involved extensively with the Walpole Island, and Kettle and Stony Point communities.

SIU STATISTICS



Out of the 68 cases closed by the SIU, the majority (38 cases) were custody injuries. Sexual assault allegations were the second highest with 17 complaints.



NOTES:

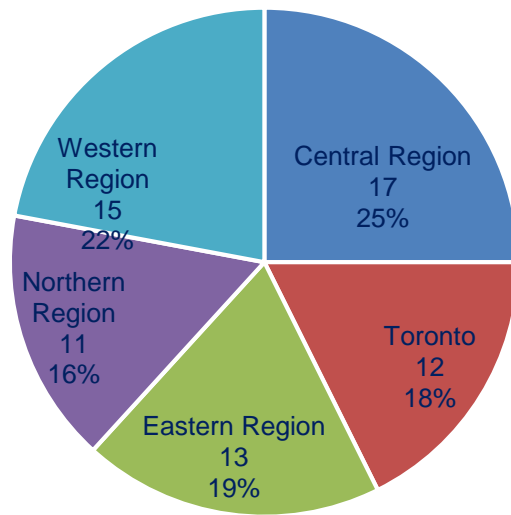
Concluded, no charges issued - at the end of a SIU investigation, the evidence does not satisfy the director that there are reasonable grounds to lay criminal charges.

- * SIU terminates the investigation of a case when preliminary inquiries reveal:
 - a. there is no presence of "serious injury" for purposes of the SIU's mandate
 - b. there is patently nothing to investigate as far as the potential criminal liability of any police officer is concerned

** Investigation terminated by SIU and referred to the OPP for investigation. The decision to do so followed consultation between the SIU and the OPP in which it became clear that there were overlapping investigative interests between the agencies and that the administration of justice was best served by having one organization assume carriage of the matter.

Charges issued – there are reasonable grounds to believe an officer committed a criminal offence under the *Criminal Code of Canada*.

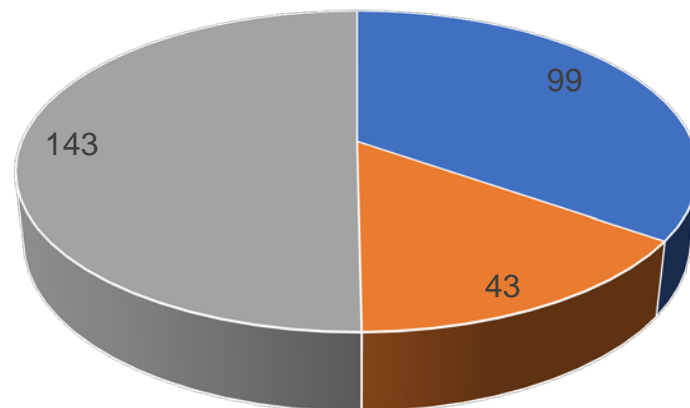
Case Breakdown by Region January - March 2020



On a regional basis, Central region had the highest number, accounting for 17 cases or 25% of total while Northern region had the least number of cases at 16% of total.

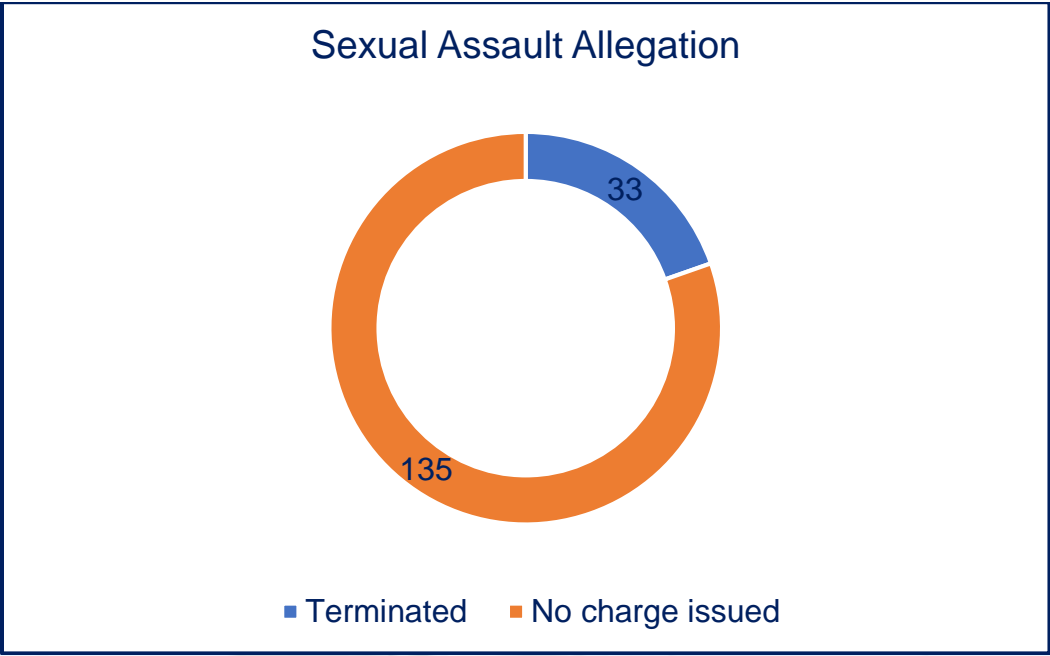
Average Number of Days to Close an Investigation

Custody Injury

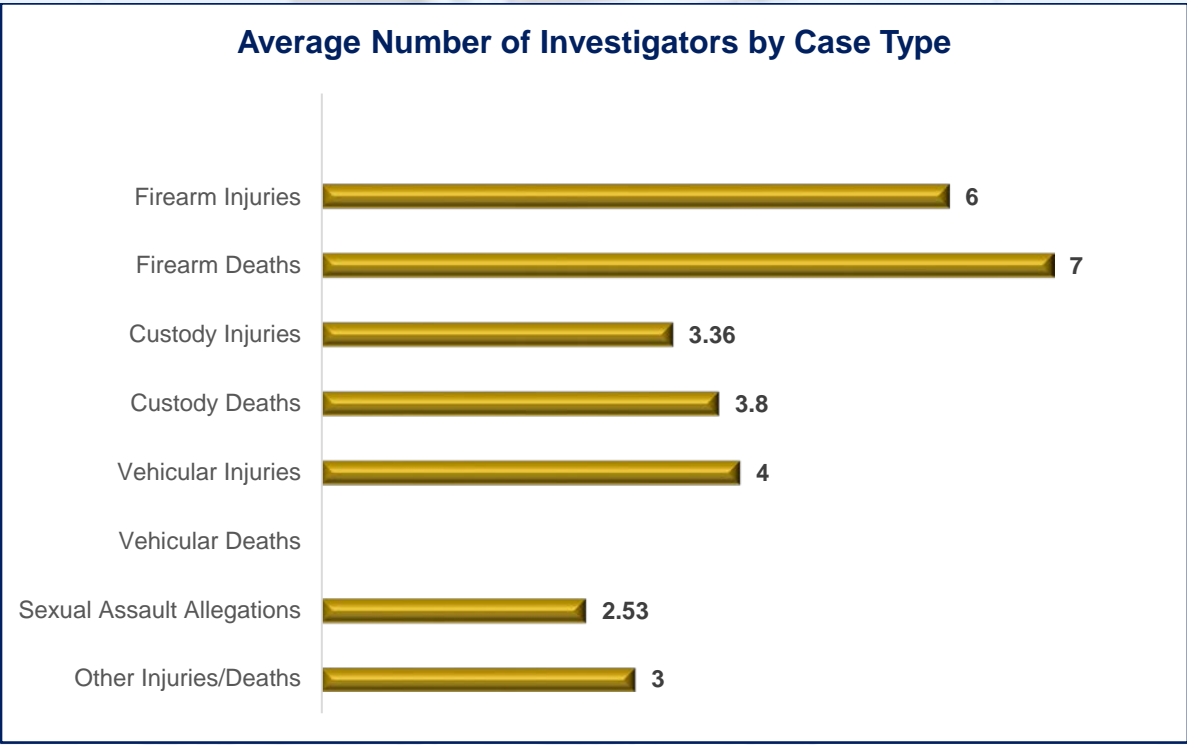


■ Charge Issued ■ Terminated ■ No charge Issued

On average, it took 143 days to close a custody injury case with no charge issued.



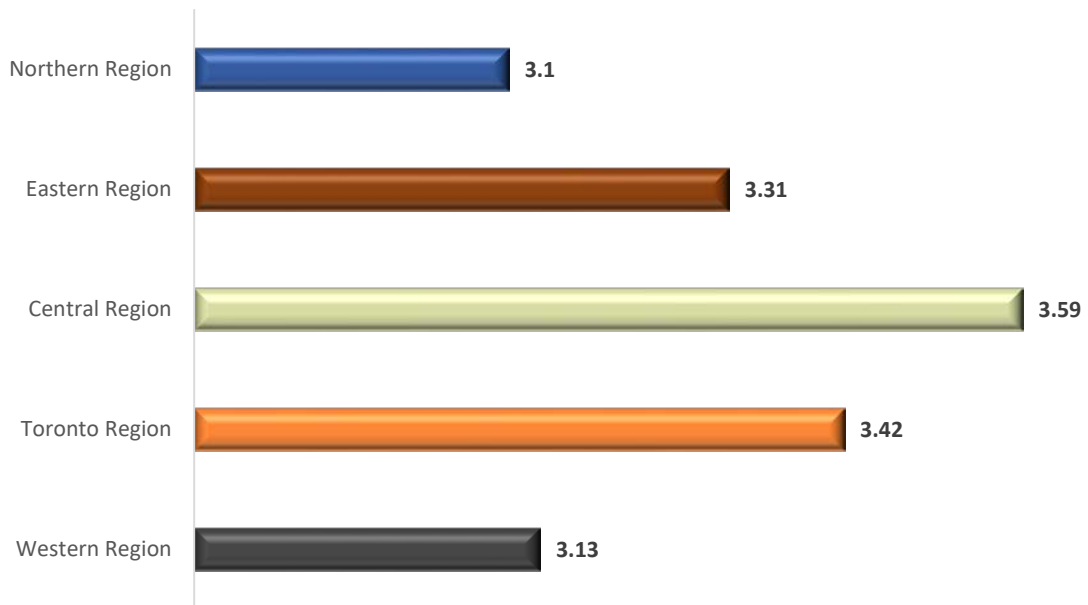
In sexual assault allegation, the SIU spent an average of 135 days to close a case with no charge issued.



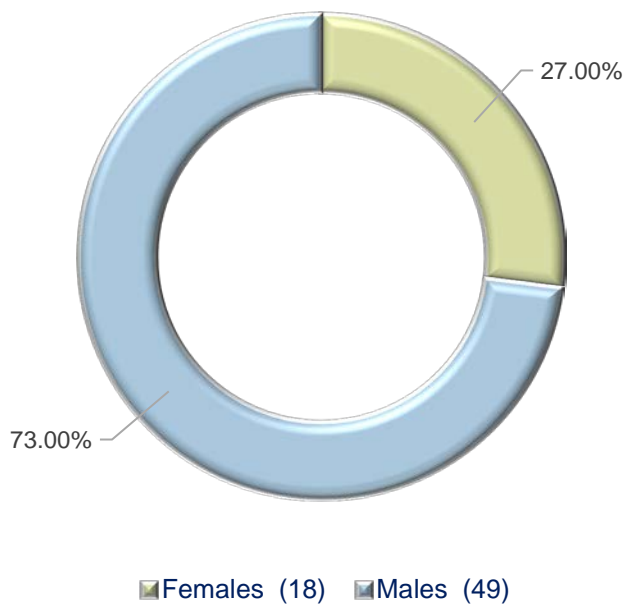
Firearm deaths and firearm injuries received the highest number of investigators assigned due to the complexity and scope of the investigations.

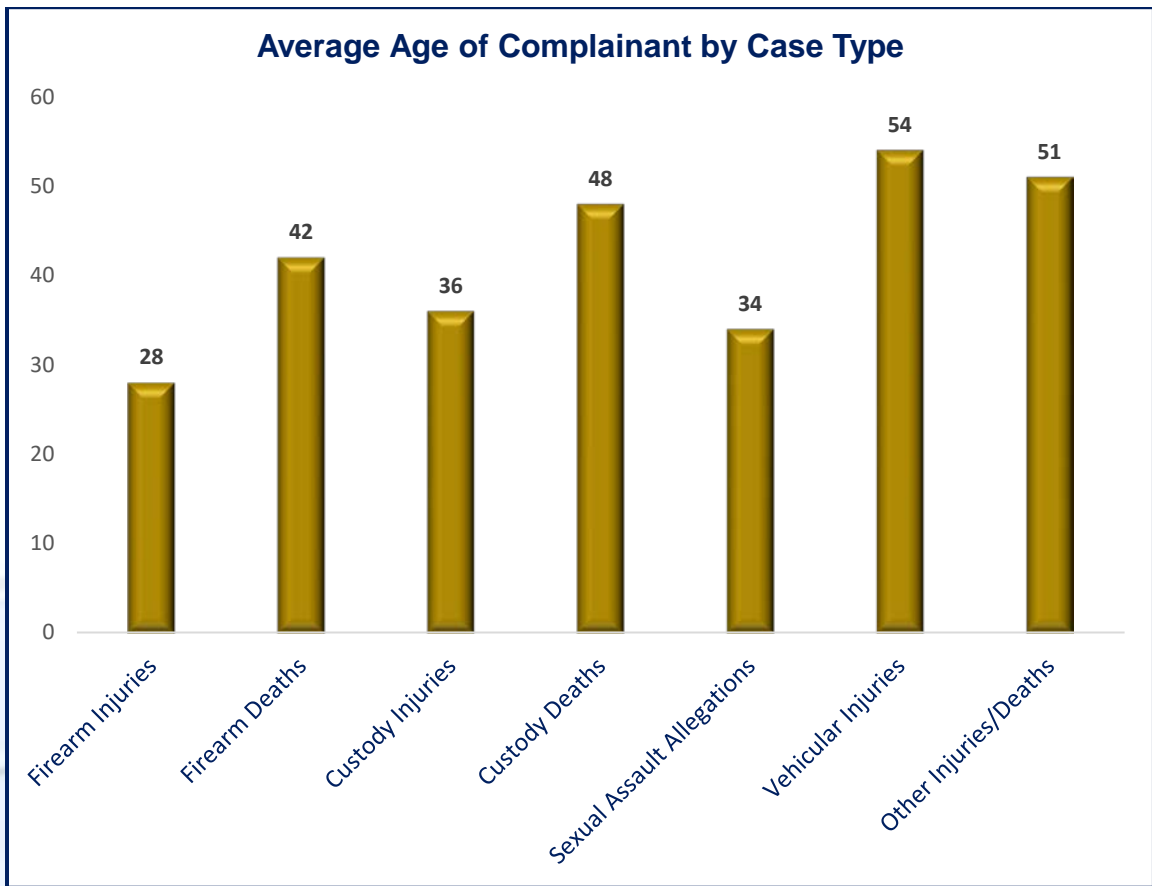
REGION/COUNTY	POLICE SERVICE	TOTAL	FIREARM INJURIES	FIREARM DEATHS	CUSTODY INJURIES	CUSTODY DEATHS	VEHICULAR INJURIES	VEHICULAR DEATHS	SEXUAL ASSAULT COMPLAINTS	OTHER
CENTRAL REGION										
Brant †	Brantford Police Service	2			1				1	
Halton	Halton Regional Police Service	3	1		2					
Simcoe	Barrie Police Service	1				1				
Simcoe	OPP Huronia West Detachment	1							1	
Simcoe	OPP Southern Georgian Bay	1			1					
Simcoe	OPP Orillia	1			1					
Niagara	Niagara Regional Police Service	1			1					
Hamilton	Hamilton Police Service	2			2					
Durham	Durham Regional Police Service	1			1					
Peel	Peel Regional Police Service	4		1	3					
TOTAL CENTRAL REGION		17	1	1	12	1	0	0	2	0
TORONTO										
Toronto	Toronto Police Service	12		1	6	2			3	
TOTAL TORONTO REGION		12	0	1	6	2	0	0	3	0
EASTERN REGION										
Prescott and Russell	OPP Haw kesbury	3			1	1			1	
Leeds and Grenville	Gananoque Police Service	1			1					
Stormont, Dundas and Glengarry †	Cornwall Community Police Service	1			1					
Hastings †	Belleville Police Service	1			1					
Ottawa	Ottawa Police Service	3	1		1		1			
Northumberland	OPP Quinte West Detachment	1			1					
Peterborough	Peterborough Police Service	2			1		1			
	OPP Peterborough County	1							1	
TOTAL EASTERN REGION		13	1	0	7	1	2	0	2	0
NORTHERN REGION										
Rainy River	OPP Atikoken Detachment	1							1	
Sudbury	OPP Espanola Detachment	1			1					
Sudbury	OPP Sudbury Detachment	1			1					
Red Lake	OPP Red Lake Detachment	1			1					
Cochrane †	Timmins Police Service	1			1					
Thunder Bay †	Thunder Bay Police Service	5			3				2	
	OPP Thunder Bay Detachment	1				1				
TOTAL NORTHERN REGION		11	0	0	7	1	0	0	3	0
WESTERN REGION										
Bruce	OPP South Bruce Detachment	1			1					
Chatham-Kent	Chatham-Kent Police Service	1			1					
Wellington	Guelph Police Service	1			1					
Wellington	OPP Wellington County	7							7	
Essex	Windsor Police Service	3			1		1			1
Essex	OPP Leamington Detachment	1			1					
Waterloo	Waterloo Regional Police Service	1			1					
TOTAL WESTERN REGION		15	0	0	6	0	1	0	7	1
GRAND TOTAL		68	2	2	38	5	3	0	17	1

Average Number of Investigators by Region



Percentage of Complainants by Gender





FINANCIALS

EXPENSES	JANUARY – MARCH 2020	% TOTAL
Salaries and Wages	\$ 1,533,331	69
Benefits	\$ 250,681	11
Transportation and Communications	\$ 93, 314	4
Services	\$ 329,095	15
Supplies and Equipment	\$ 20,291	1
Grand Total	\$ 2,226,713	100%

*Expenditures from January 1 to March 31, 2020 were \$2,226,712, which were 25% of its total annual expenditures

*Total Annual Expenditures for the year ended March 31, 2020 were \$8,830,139.

**SIU Expenditures
January 1, 2020 - March 31, 2020**

