



SIU SPECIAL
INVESTIGATIONS UNIT
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NEWS RELEASE • COMMUNIQUÉ

SIU Moves Forward on Ombudsman's Recommendations

FOR IMMEDIATE RELEASE

MISSISSAUGA (October 5, 2009) - - - On September 30, 2008, Ontario's Ombudsman issued a report in which he made 25 recommendations directed at the Special Investigations Unit (SIU). On March 31, 2009, consistent with the Ombudsman's request that the Unit report its progress to his office in six month's time, the SIU's Director, Ian Scott, wrote to the Ombudsman outlining developments at the Unit. Given the recent passing of the one-year anniversary of the Ombudsman's report, it is appropriate at this time for the Unit to report its progress to the public.

"I am pleased to announce that the Unit has made significant strides in responding to the Ombudsman's report," said Mr. Scott. "In fact, 19 of the 25 recommendations aimed at the SIU have been or will be implemented in 2009. Building on the work done by my predecessor, James Cornish, and with the support of the Ministry of the Attorney General and the efforts of the skilled women and men of the office, I am confident that our progress since the release of the Ombudsman's report has strengthened the ability of the SIU to fulfill its important public interest mandate."

Director Scott noted, "When the Ombudsman issued his report last September, we said his recommendations would be carefully considered and pledged to take action. We have done so."

Highlights of the Unit's progress include:

- A more formal process to monitor, record and deal with instances of police non-compliance with regulatory requirements (Ombudsman recommendations 1-3)
- A reformed dispatch procedure and the use of BlackBerrys by investigative staff to facilitate a continuous call-out of investigators in order to improve response times to scenes (Ombudsman recommendation 4)
- News releases issued in more cases with more detail in an effort to improve responsiveness to the public and affected persons (Ombudsman recommendation 21)

Though the Ombudsman was careful in his report to point out at paragraph 323 that his office was "...unable to find any objective evidence that any individual case had been tainted by improper motives," he expressed concern about public perceptions regarding the work of the Unit. Director Scott said, "While I am confident in the professionalism and impartiality of the Unit's work, I appreciate that perceptions are important and that is why we have taken significant steps on this front as well." These steps include:

- Funding for an outreach coordinator secured and the position filled in May 2009
- Persons without police backgrounds now represented within investigative management under the auspices of the recently implemented Acting Investigative Supervisor program
- Two new investigative trainee positions created and filled by investigators without police background

Commenting on the Ombudsman's recommendations 13 - 15, dealing with the timing and venue of witness officer interviews, Director Scott said, "I agree with the Ombudsman that witnesses should be interviewed quickly. And I intend to exercise my authority under the regulations to suspend a witness officer's entitlement to either legal or association representation if its fulfillment would lead to an unreasonable delay. However, it is an equally important principle that investigators be equipped with the discretion to chart a course for their investigations. The more pressing issue in my view is that the police officers write up their notes of the incident in an independent and contemporaneous fashion."

The Ombudsman is presently conducting a follow up investigation into the implementation of the recommendations and the Unit looks forward to his second report.

To read the backgrounder and the six-month progress report to the Ombudsman, dated March 31, 2009, please visit the SIU's website at www.siu.on.ca.

The SIU is a civilian agency that investigates cases of serious injuries (including allegations of sexual assault) and deaths involving the police. Pursuant to section 113 of the Police Services Act, the Director of the SIU is mandated to consider whether a criminal offence has been committed by an officer(s) in connection with the incident under investigation and, where warranted by the evidence, to cause a criminal charge or charges to be laid against the officer(s). The Director reports the results of investigations to the Attorney General.

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Backgrounder

MISSISSAUGA (October 5, 2009) The Ombudsman's recommendations directed at the Special Investigations Unit (SIU) can be organized into three general categories: *operational effectiveness, credibility and responsiveness.*

Operational Effectiveness (Ombudsman recommendations 1-8, 13-20 and 24)

SIU progress:

- A more formal process for tracking and dealing with cases of delayed notification and other instances of police non-compliance with regulatory requirements has been implemented. For example, problems with police compliance are now routinely documented in Director's Reports to the Attorney General and in correspondence with Chiefs of Police and the OPP Commissioner. The Director has pursued these issues in dialogue with police leaders and is committed to concerted action to address these matters as they occur. For example, on May 21, 2009, the Director made a presentation to the Toronto Police Services Board dealing with police cooperation issues;
- The use of BlackBerrys has been incorporated within a reformed dispatch procedure to ensure continuous, as opposed to intermittent, call-out of investigators to incident scenes.

- The Director has affirmed the Unit's commitment to responding quickly to notifications save for exceptional circumstances.
- The closest investigators in the vicinity of an incident who are available to respond at the time of a notification will be dispatched, regardless of cost considerations. Having reviewed the Unit's motor vehicle policy, the Director is not persuaded that assigning a vehicle to investigators on a full-time basis will materially improve response times.
- The Unit's current First Nations Liaison and most of its classified investigators have received specialized sexual assault investigation training. This training will continue to be offered to all staff. It remains the Unit's practice to deploy investigators with expertise in this area to investigations of sexual assault complaints.
- While affirming its commitment to interview witness officers quickly, the Director is reluctant to tie the hands of investigators with any hard and fast rules relating to timing and venue. The exercise of discretion by investigators in mapping out their investigations is an essential part of investigations and depends on the circumstances of each case. The Unit will be vigilant to ensure this discretion is exercised reasonably and the Director has pledged to support his staff to ensure timely witness officer interviews by, for example, suspending an officer's entitlement to legal or association representation if the interview would otherwise be unreasonably delayed.
- An even more important issue relates to the notes of the involved officers. The Director has taken a keen interest in ensuring that the notes of involved officers are written contemporaneously to the incident and independent of any outside influences. He made a presentation on this issue to the Toronto Police Services Board on May 21, 2009.
- In order to safeguard the Unit's commitment to investigative excellence in an era of record high caseloads (299 occurrences in fiscal year 2008-2009), the Unit has expanded its complement of investigators who work out of the Unit's Mississauga

headquarters and those stationed off-site. For example, earlier this year, eight additional off-site investigators were hired and put through the Unit's orientation program.

- The Director fully intends to seek further resources from the Ministry of the Attorney General if necessary in order to address the Ombudsman's recommendations.

Credibility (Ombudsman recommendations 9-12)

SIU progress:

- An outreach coordinator position was filled in May 2009. It is responsible for public education about the SIU and will assist in dispelling inaccurate information and perceptions about the Unit.
- Two new investigative trainee positions created and filled by investigators with no police background. These are classified positions and the individuals work out of the Unit's headquarters in Mississauga.
- Persons without police backgrounds now represented within investigative management with the recent implementation of the Acting Supervisor Program, whereby classified investigators are invited to spend a six-month rotation as an acting supervisor. The program is slated to run for two years and will accommodate four investigators. Three investigators have been selected so far for entry into the program, none of who are former police officers. The program may be extended beyond the two-year period.
- The Director has unequivocally directed staff to refrain from wearing or otherwise displaying symbols that demonstrate former police membership or which suggest they identify with police.

- The SIU has affirmed its commitment to hiring through open competitions and the Director has indicated he intends to have police and community representation on hiring panels in the next selection process for investigative staff.

Responsiveness (Ombudsman recommendations 21-23)

SIU progress:

- The Unit is legally prohibited from disclosing Director's Reports; however, in an effort to improve our responsiveness to the public and affected persons, the Unit is issuing news releases in more cases with greater detail and engaging in record levels of outreach. The Unit has also hired an outreach coordinator to increase the reach and effectiveness of its outreach efforts.
- The Director has affirmed his commitment to highlighting current and emerging policing issues of public interest in upcoming annual reports. As well, in some instances, issues are noted in press releases. The most recent example is an issue with OPP police officers' note taking in the fatal shooting of Levi Schaeffer in the Pickle Lake region.

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