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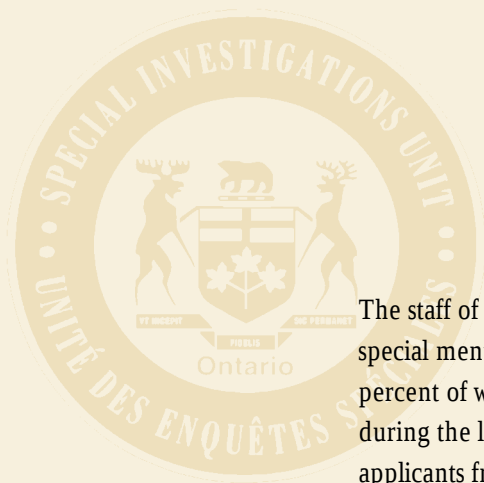
Message from the Director

It is a privilege for me to present the annual report of the Special Investigations Unit (SIU or the Unit) for the fiscal year ending March 31, 2001.

This is the SIU's first annual report and its timing is very significant. The report follows a decade comprised of eight years of controversy and two years of renewal since the creation of the Unit in 1990. The renewal process commenced with implementation of the 1998 recommendations of the Honourable George Adams, Q.C., recommendations that were based upon consultations with all stakeholders. Renewal was supported by a new Regulation, which better defined the relationship between the police and the SIU. Substantially increased funding provided the resources to implement the recommended changes. In the belief that the current state of the SIU can only be understood in the context of its past, a very brief review of the years preceding the last fiscal year has been included in this report.

In the past, the SIU was a lightning rod for controversy because of high, often conflicting expectations of the police and the community at large. The absence of a clear definition of rights and responsibilities along with limited resources fuelled this controversy. My immediate goal on being appointed Director in January 1999, was to use the opportunity presented by the Government, in the form of the new Regulation and increased budget, to reduce the level of discord and to moderate the adversarial stance of some stakeholders towards the SIU and its investigations. Just as important as the tangible aspects of renewal were our outreach efforts made through a variety of communications initiatives. The aim of this outreach was to assure all parties, police officers and civilians alike, that *SIU investigations will be carried out to the highest possible professional standards and they will be treated with the utmost dignity and fairness throughout.*

Since Mr. Adams' recommendations were put into effect in January 1999, the collective energy of the SIU staff has been devoted to increasing the capacity and competence of the Unit to fulfill its mandate. In the past two and a half years, the Unit has been renewed through: a much enlarged and highly qualified staff of investigators and forensic technicians; new training programs of every relevant nature; new premises, complete with state-of-the-art forensic identification facilities and equipment; and new vehicles, fully equipped to conduct investigations throughout the province. I am very pleased to report that all of these improvements were made within budget.



The staff of any organization is crucial to its success and the staff of the SIU require special mention. The Unit now employs approximately seventy personnel, over eighty-five percent of whom are new to their jobs since January 1999. All hiring processes conducted during the last two years were extremely competitive, attracting literally hundreds of applicants from across Ontario, Canada and beyond. As part of the Unit's commitment to transparency and the building of confidence, the SIU's selection panels have included representation from the police, the community at large and other external experts. I would like to commend every member of the SIU staff. They have performed admirably through a period of unprecedented change while striving to meet the unceasing demands placed upon the Unit, as always, in the full glare of public scrutiny.

The goal of the SIU is expressed in its recently adopted motto "Independent Investigations – Community Confidence". This goal can only be achieved with the cooperation of all parties including those for whom cooperation may understandably be the most difficult – the police. I believe the efforts made to renew the SIU are bearing fruit. Since my appointment I have sensed a growing support for, and cooperation with, the SIU and its work among Ontario's police services, at both the management and frontline officer levels. But much remains to be done. The key theme of this report is that, while implementation of the main recommendations contained in the Adams' Report strengthened the Unit's competence and capacity to effectively fulfill its mandate, the SIU will continue to consolidate those advances and, most particularly, to promote understanding and support amongst all stakeholders.

Finally, I would like to express appreciation to the many individuals – from the community and from the police – who have given me the benefit of their advice and guidance over the past two years. In particular, I would like to thank retired Deputy Chief Bob Kerr who, at a swearing in of new investigators in January 2000, presented a set of principles and expectations that have been officially adopted and are known in the SIU as the "Investigators' Creed". I believe they embody what must be the working ethos of the Special Investigations Unit if it is to achieve its goal of maintaining community confidence in Ontario's police services.

Peter A. Tinsley
Director

Investigator's Creed

In an address at the swearing in ceremony of new investigators for the Special Investigations Unit in January 2000, Toronto Police Deputy Chief Bob Kerr presented 13 points of expectations for the SIU and its investigators. Director Peter Tinsley adopted these points to form part of the training materials for all SIU investigators and to reflect the ethos of the Unit.

I expect you

To have the investigative skills to conduct a thorough and comprehensive investigation;

To follow the established rules and regulations and internal policies;

To set aside your personal biases and conduct an impartial and independent investigation;

To treat involved officers with respect;

When possible, to explain to the involved officers why you are doing what you are doing;

To be sensitive to the fact that the involved officers have just experienced a very traumatic experience;

To conduct a speedy investigation whenever possible;

To keep the involved police service up to date whenever possible;

To treat the involved officers the way you would expect to be treated;

To do your job to the best of your abilities;

To do everything possible to improve the working relationship between your agency and the police services of Ontario;

To challenge police agencies who are not cooperating to do so; and

To report to the respective Police Services Board, those Chiefs of Police who are not making the effort to ensure their members are complying with the *Police Services Act*; or any other agreements.

partI

About the Special Investigations Unit

History and Role of the SIU

Unlike other public services policing entails the granting of extraordinary powers, including the powers to detain citizens and, when necessary to prevent death or serious injury to the public or to the police themselves, to use lethal force. In some circumstances police officers have no choice but to use such force in order to save their own lives or the lives of those they are sworn to protect. In a democratic society the granting of such powers leads directly and inevitably to a discussion of accountability.

Civilian oversight of policing

Both society and police work grew more complicated in the post-second world war period, and pressures for more direct oversight of law enforcement became increasingly urgent. Over the past three decades, civilian agencies for oversight of the police have been created throughout North America and around the world. Approximately 125 such organizations from jurisdictions around the world are currently represented in the International Association of Civilian Oversight of Law Enforcement. Different approaches have been taken. In some US jurisdictions the police conduct investigations under the review of civilian bodies that may have their own powers to conduct further inquiries. Other jurisdictions have established virtual stand-alone bodies with the sole responsibility to investigate incidents on behalf of the civilian community.

In Ontario civilian oversight of the police was historically in the hands of the Ontario Police Commission and local police boards; a system that relied upon the police to investigate police conduct. During the 1970's widespread concerns were raised about that system of handling civilian complaints. Such concerns, in the specific context of Toronto, were examined in The Report of the Ontario Commission into Metropolitan Toronto Police Practices, published in 1976. In 1981, the Office of the Police Complaints Commission was created. Its initial jurisdiction was limited to the Metropolitan Toronto Police Service and its mandate was oriented and restricted to police discipline under the *Police Services Act*.

In 1988 the Government of Ontario established the Task Force on Race Relations and Policing as a result of the fatal shooting by police of two black men. The report of the Task Force contained recommendations for changes in the law on the use of force by the police and on police training, as well as a recommendation to create an independent

Mandate of the SIU

investigative body with the power to lay criminal charges when warranted.

Accordingly, in August 1990 the new *Ontario Police Services Act* was passed by the Legislature. It included provisions for the creation of the Special Investigations Unit to investigate deaths and serious injury occurring in the course of policing.▲

The Special Investigations Unit is a civilian agency that operates on an arms-length basis from the Ministry of the Attorney General, to investigate circumstances involving the police which have resulted in serious injury, including sexual assault, or death. Under Part VII, Section 113, of the *Police Services Act*, the Director of the SIU has the sole authority to decide whether or not charges will be laid, based on the findings of a complete investigation. The Director's decisions are reported to the Attorney General.

Since January 1, 1999, SIU investigations have been conducted in accordance with Ontario Regulation 673/98. That Regulation defines, further to Section 113 of the *Act*, the rights and responsibilities of the police and the SIU in the investigative process.

The jurisdiction of the Unit is the entire province of Ontario, encompassing all municipal, regional and provincial police services, which together comprise 69 services and about 21,600 officers. While the Unit reports to the Attorney General, it investigates and makes decisions independent of government.

Ontario is unique; it is the only Canadian province and one of the few, but increasing number of jurisdictions anywhere with an independent civilian agency that has full powers and authority both to investigate and, where the evidence warrants, to charge officers with a criminal offence. In the vast majority of investigations, evidence of criminal activity is not found and no charges are laid. The role of the SIU is not necessarily to lay charges but to investigate and to assure the broader community that the conduct of the police is subject to rigorous independent scrutiny.

The independence of the SIU is reinforced in several ways by its statutory design. For example, the Director of the Unit can be neither a police officer nor a former police officer. Police officers cannot be appointed as investigators. Former police officers may be hired by the SIU, but may not work on cases relating to police services of which they were formerly members. To strengthen this independence even further, the reporting arrangement for the SIU was changed in 1993 from the Ministry of the Solicitor General, which is also responsible for the police, to the Ministry of the Attorney General.



The Special Investigations Unit is also intended to be broad-based – to be a whole community organization, rather than one that responds to the needs and concerns of only certain groups within the community. In its community outreach and in its hiring practices, the SIU seeks to ensure that the concerns of all communities are addressed. The overall goal is to increase the confidence of all of the citizens of Ontario in their police services. ▲

The SIU and the Rule of Law

The creation of a society based on the rule of law is one of the most significant achievements of civilization. We don't talk about it very much, but the rule of law is upheld by the police who have the power – the extraordinary power – to detain people, and where it's necessary to protect themselves or civilians, to use force. I was reminded of the power and importance of the rule of law this morning at Osgoode Hall when I was with Archbishop Tutu of South Africa, who was awarded an honorary degree by the Law Society. In his remarks, he spoke about the rule of law from the point of view of someone who lived most of his life, as his countrymen did, without the benefit of the rule of law. We have something very precious in Canada, in the rule of law, upheld by the police and respected by all of the people in all of the communities who live in Ontario.

The SIU is a civilian agency which investigates death and serious injuries arising in the course of police work. The SIU plays a crucial role in this justice system, in upholding the principle of the rule of law.

from remarks by the Honourable James Flaherty, Attorney General, at the opening of the SIU offices, June 2000.

Defining serious injury

The mandate of the SIU is to investigate the circumstances of serious injuries and deaths that may have resulted from criminal offences by police officers. Section 113(5) of the *Ontario Police Services Act* states that “The Director may, on his or her 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”.

While there is clear understanding of the word “death”, attempts to clarify or create a

more specific definition for the term “serious injury” have caused considerable debate and have motivated some to develop their own interpretation that would substantially narrow the jurisdiction of the Unit.

The SIU’s first Director, the Honourable John Osler, consulted with representatives from the Ministry of the Solicitor General and the Ontario Association of Chiefs of Police (OACP) and, with their agreement, published the below definition, which was based on the definition of “assault causing bodily harm” as it is described in the *Criminal Code of Canada*.

What are “serious injuries”?

“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.

Honourable John Osler

Since it was public concern over police policing themselves that prompted the creation of the SIU, the public as one of the principle stakeholders, must be consulted and included in any discussions to change the meaning of “serious injury” and thereby alter the longstanding jurisdiction of the Unit.

In his report, recognizing that this is a public policy issue and not a legal nor a medical one, the Honourable Mr. 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.”▲

The Adams Report and the Renewal of the SIU

The need for change

From its beginning the SIU has been a lightning rod for controversy. High expectations were not being met because of the lack of rules about SIU – police cooperation, limited resources at the Unit’s disposal, and high turnover at the Director level – all of which contributed to concerns about the SIU’s effectiveness and credibility.

The SIU depends on the cooperation of police services in its investigations. This fact is recognized in the *Police Services Act* which imposes a duty to cooperate upon all members of police services in Ontario. By the mid-1990s the SIU was firmly established yet there remained resistance to the Unit and its work in some police circles.

A number of issues relating to police cooperation were identified and included:

- delays and even refusals by witness officers to complete notebooks and attend SIU interviews;
- delays in notifying the SIU about incidents;
- allowing unauthorized persons behind police lines before the arrival of the SIU, and failing to segregate officers involved in the incident;
- statements to the media; and
- police interviewing and releasing civilian witnesses without the consent of the SIU.

Another challenge was the often intense public and media interest in investigations. It was against this background, following years of criticism and tension between the SIU and the police, that the Government of Ontario established the Adams consultation process.

The Adams process

In the fall of 1997 the Government of Ontario appointed the Honourable George W. Adams Q.C. to consult with community and police organizations on ways to improve the relationship between the SIU and the police in three key areas:

- timely notification of incidents to the SIU by the police;
- control of the incident scene until the arrival and during the work of SIU investigators; and
- timely cooperation of the police officers involved in the incidents under investigation.

The approach taken by Adams was to look for areas of consensus and common ground, on the basis that this approach would have the most chance of acceptance and success. Adams noted that,

“...those most affected by a law must see it as fair. That perception may best be attained if those same people have a hand in fashioning the policies that will come to guide their conduct.”

Adams reported on May 14, 1998, with 25 recommendations. The recommendations addressed many of the relationship and cooperation issues that had proven to be difficult in the past. Adams found that many of those difficulties arose from a lack of adequate funding and the absence of a legal framework that clearly set out the responsibilities and duties of police officers during SIU investigations. Adams recommended that a Regulation be enacted detailing how police services and police officers must cooperate with the Unit. As well, he recommended that the Government of Ontario allocate increased resources to the SIU for staffing, training and equipment to meet operational demands, as well as police and community expectations.

Summary of Adam's Key Recommendations

- The SIU should have the resources necessary to carry out its important mandate.
- A regulation should be adopted that:
 - lays out a detailed and clear SIU Operating Procedure;
 - provides that failure of a police officer to comply with any of its provisions is serious misconduct;
 - makes it clear that the SIU has the lead investigatory role in gathering evidence and interviewing witnesses;
 - provides that interviews of witness officers are to be done at the request of the SIU, but also allows for the possibility of delay where appropriate grounds exist;
 - provides that an unjustified failure to comply with an SIU interview request should be treated as a serious act of misconduct; and
 - requires a police chief to conduct an administrative inquiry into any incident involving the SIU, subject to the SIU's lead role, and make a report of all findings and actions taken and/or recommended to the police services board no later than 30 days following the SIU report.
- Increased resources for the SIU should address the need for more substantial training of investigators.
- The SIU, the police and community groups should meet on a regular basis to discuss general SIU-related matters.
- The tenure of the Director of the SIU should be of sufficient length to provide for effective leadership of the SIU.



The recommendations of the Adams Report were accepted by the Government of Ontario in the fall of 1998. January 1, 1999 heralded a new beginning for the Special Investigations Unit, for three reasons:

- Based on the recommendations made in the Adams Report, Regulation 673/98 came into effect under the *Police Services Act*. The Regulation imposed various responsibilities and obligations on police services and police officers involved in an SIU investigation;
- The Government committed to providing the resources for additional staff, training and technical support commencing in the following fiscal year, beginning April 1, 1999; and
- The year began with the appointment of a new Director who was the first in the SIU's history to have a five-year tenure.

Implementation of the Adams Report

Taken together, these three changes created the foundation to improve the SIU's ability to do its job professionally and effectively, as well as to improve its relationships with both police services and communities.▲

Improved capacity

Increased resources from the Government allowed the SIU to begin enhancing its capabilities and competence by hiring new staff, putting in place a training program under the direction of a training coordinator, and acquiring new equipment to support investigators and forensic technicians. For example, investigators working out of Toronto now have at their disposal all-wheel-drive vans that have been set up as computer-equipped offices in which investigators can conduct interviews wherever a witness is located.

As part of the renewal process the Unit continued to strengthen its investigative capabilities. The hiring process became highly competitive and demanding. During the 1999-2000 hiring period, for example, the Unit received over 1,800 applications. Twenty candidates were ultimately selected and sworn in on January 21, 2000. The panels that were responsible for the hiring included representatives from both police and community groups.

A training coordinator was appointed and is responsible for the continuous training of investigators, through in-house courses, courses at outside institutions such as the Canadian and Ontario Police Colleges, and specialist courses in other countries. In the year 2000 alone, the Unit did more training than had been done in the previous decade.

The renewal of the SIU that began in January 1999 has continued over the past two and a half years. The emphasis has been on strengthening the capacity and capabilities of the Unit to do its job in terms of facilities, staff and equipment. More recently, the focus has turned to strengthening processes and working protocols.▲

A swearing-in ceremony was conducted by Mr. Justice W. Wolski (centre). Community representative Mr. Bromley Armstrong C.M. O.Ont., (bottom right), and police Deputy Chief Bob Kerr (top right), also made remarks during the ceremony.



Improved relationships

The implementation of the main recommendations of the Adams Report through Regulation 673/98 presented the SIU and police services with a blueprint for their relations in the future. Given these newly defined duties and responsibilities police services should know what is expected of them and be able to cooperate with the SIU more fully than in the past.

As part of the implementation of the new Regulation, the SIU has made special efforts to communicate with police organizations. Staff have not turned down any requests to speak at courses and events and have, in fact, been proactive about arranging to speak to specific audiences to correct misconceptions about the SIU and build understanding about its work and long-term goals. SIU staff have spoken to every police recruit graduating class since 1999 and regularly make presentations to participants of other courses at the Ontario Police College in Aylmer. As well, they make presentations to an increasing number of police foundation programs and to courses at other institutions of higher learning.

The SIU has continued its efforts to explain the new rules and to engage police services in their interpretation and implementation in a principled and practical fashion. For example, one of the more sensitive issues raised by Adams and addressed in Regulation 673/98 was partisanship in the media. Quite understandably police authorities will often wish to publicly voice support for their officers. On the other hand, the integrity of

investigations can be compromised by public statements. A key goal is to maintain both police and public confidence in the investigative process. To address these issues the Director sent a letter to all police chiefs in May 1999 suggesting an interpretation that could be used to help police services respond to media requests, while maintaining strict neutrality.

The Unit also renewed its outreach program to representatives in the community who have an interest in the SIU. One of the key messages that the Director and staff present at community meetings is the same one that is delivered to police services: with the new Regulation and increased resources, the Unit can conduct highly professional investigations and provide the effective independent review of police activities necessary for community confidence. The SIU has hosted community consultation forums and staff regularly attend various community functions. The focus of more broad-based public communication is to ensure the general public knows about the SIU and its mandate.

The SIU works with national and international organizations related to civilian police oversight. The Director is the Ontario representative on the Board of Directors for the Canadian Association for Civilian Oversight of Law Enforcement. He was a presenter at the First International Brazil-Canada Police Oversight Conference in Sao Paulo, Brazil. The Brazilian government has examined the SIU as a model for its own agency, as have other jurisdictions around the world. In April 2000, Northern Ireland Police Ombudsman Nuala O'Loan and officials from her office visited the SIU. After researching the Ontario model they were able to build on it and springboard to an even more aggressive model and more orderly implementation using the lessons learned in Ontario.▲

SIU Operations

The investigative process

In many other Canadian police oversight agencies the impetus for an investigation comes primarily from the public, in the form of public complaints. The rules governing Ontario's Special Investigations Unit are different in that it is the responsibility of the police themselves to report any incident that may warrant investigation by the SIU. Section 3 of Regulation 673/98 under the *Police Services Act* states:

A chief of police shall notify the SIU immediately of an incident involving one or more of his or her police officers that may reasonably be considered to fall within the investigative mandate of the SIU, as set out in subsection 113 (5) of the Act.

This clearly puts an onus on the chief of police to notify the SIU immediately of incidents that may reasonably fall within the investigative jurisdiction of the SIU. However, any member of the public, coroners, members of the media, the medical profession generally and lawyers may also advise the Unit of situations they believe may require investigation. When an incident is reported by anyone other than the police, the SIU immediately informs the relevant police service.

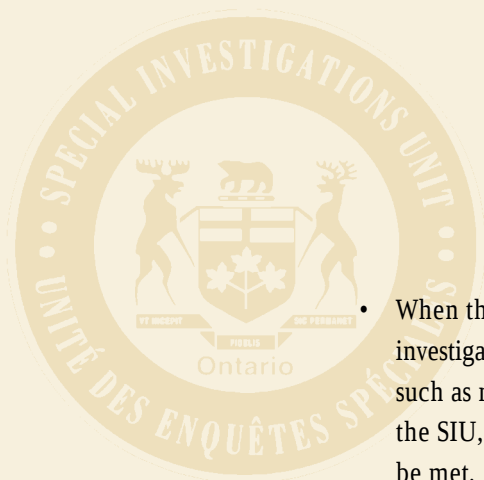
Here are the steps the Unit takes in dealing with a reported incident.

- Upon notification of an incident, the Investigative Supervisor will:
 - determine the nature of the response and either refer people to a more appropriate complaints process, or
 - as soon as practicable, deploy as many investigators as deemed necessary to conduct a comprehensive investigation as the lead agency.
- The SIU may issue a press release at the outset, depending on the nature of the incident.
- In circumstances where the nature of the initial report received raises a question regarding SIU jurisdiction, an incident review will be conducted. If it is determined that the basis for SIU jurisdiction does not exist or that there is patently no issue to investigate, the Director will be consulted and if appropriate, the investigation will be terminated.

Incident Review

In cases where the initial report leaves any question (such as the accurate determination of medical condition or the nature of the police involvement) regarding the jurisdiction of the SIU and/or existence of any real issue for investigation, a preliminary investigative step will be to confirm the reported facts before starting a full scale investigation.

- If the Director decides to end the investigation, the relevant police service and the complainant are notified and no report is submitted to the Attorney General.
- If the incident requires further investigation, a lead investigator and as many investigators thought to be necessary are assigned and attend the incident scene along with a team of forensic identification technicians.



- When there is an established legitimate need for the police service to continue their investigations into an aspect of an incident falling within the jurisdiction of the SIU, such as murder or another serious crime, the police service may, by agreement with the SIU, share the lead investigative role with the SIU so all the interests of justice may be met.
- During the course of their investigation the investigators prepare various reports and attend 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 of the investigation, 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 will be laid. Throughout the investigative process the SIU liaises as necessary with, and, if a charge is laid, supports the staff of the Special Prosecutions Branch of the Criminal Law Division of the Ministry of the Attorney General.
- At the end of an investigation the SIU attempts to provide all possible information to the public, subject to the *Freedom of Information and Protection of Privacy Act*. 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.

Subject officers and witness officers are terms defined in Regulation 673/98:

“A subject officer means a police officer whose conduct appears, in the opinion of the SIU Director, to have caused the death or serious injury under investigation.” (A subject officer is not a “suspect” and does not become an accused until a charge has been laid.)

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

The investigation may involve:

- examining the scene and securing any available 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 victim or complainant informed;
- keeping the Investigative Supervisor, Executive Officer and SIU Director fully informed of developments on the case.▲

Forensic Identification

The SIU's in-house Forensic Identification Team compliments the investigative process by providing technical advice and assistance to investigators about the potential significance of physical evidence.

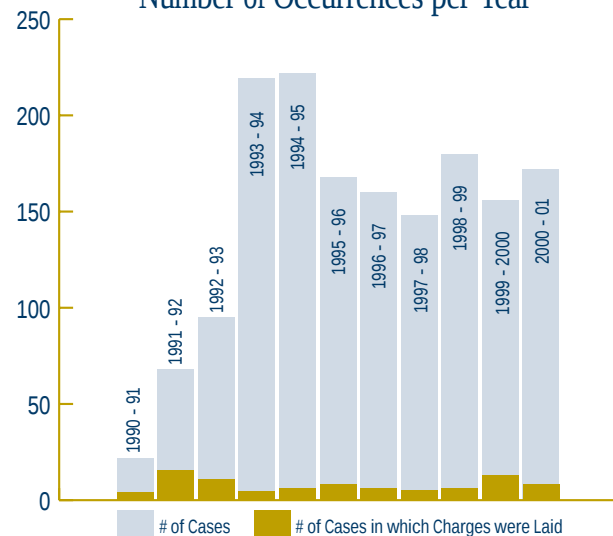
The Forensic Identification Team is responsible for gathering, evaluating, and protecting the physical evidence at the scene of an incident. Leading-edge digital and video camera equipment and sophisticated surveying tools such as Total Station allow SIU technicians to record and objectively analyze all critical components of an incident scene to, ultimately, determine its importance. The technicians are also responsible for interpreting trace evidence and recording the autopsy process.

The SIU's Forensic Identification Team regularly receives the invaluable cooperation of Ontario's Centre of Forensic Sciences and, as necessary, they have gone farther afield to such agencies as the RCMP Laboratory in Ottawa and the FBI in the United States in order to secure the required assistance.▲

Numbers and types of cases investigated

Between September 1990, when the SIU began operations, and March 31, 2001, the SIU investigated 1,615 incidents. As the chart shows, the highest number of reported incidents were in 1993-94 and 1994-95.

Special Investigations Unit
Number of Occurrences per Year



Special Investigations Unit

What does “Custody” refer to?

For the purposes of tracking cases at the SIU, the word “custody” refers to all incidents that are **not** related to sexual assault, are not firearms nor vehicle related, but **do** involve taking control of a person, exercising control of a person, attempts to control a person, or attempts to regain control of a person, as well as what is generally known to the police community to mean arrest and detention.

SIU Occurrence Chart (By Fiscal Year)*

(Compiled by SIU: June 4, 20001)

Type of Occurrences	to 1990 1991**	to 1991 1992	to 1992 1993	to 1993 1994	to 1994 1995	to 1995 1996	to 1996 1997	to 1997 1998	to 1998 1999	to 1999 2000	to 2000 2001	TOTAL
Firearm Deaths	2	8	6	2	2	4	9	4	1	3	5	46
Firearm Injuries	4	13	12	14	11	16	12	10	9	8	8	117
Custody Deaths	2	7	15	12	14	24	24	12	18	21	18	167
Custody Injuries	1	12	32	84	93	54	42	52	65	60	85	580
Other Injuries/Deaths	-	-	-	-	-	-	-	-	-	1	2	3
Vehicle Deaths	2	5	3	12	11	6	8	5	12	10	8	82
Vehicle Injuries	11	23	16	86	80	55	57	56	64	43	36	527
Sexual Assaults	-	0	11	9	11	9	8	9	11	10	15	93
Totals	22	68	95	219	222	168	160	148	180	156	177	1,615
# of cases in which charges laid	1	14	8	1	3	4	3	2	3 (6)***	6 (6)	5 (9)	

*Fiscal Year - April 1 to March 31

**Reporting for 1990-91 began October 1990

***Number of Officers charged is noted in brackets

partII

The Year in Review

Highlights of the Year Ending March 31, 2001

The SIU operated within budget in the fiscal year ending March 31, 2001. This was achieved during a year in which the Unit moved to new premises and completed a recapitalization through the acquisition of new, and replacement of outdated, equipment. On the human resources front, the Unit strengthened its capabilities by hiring new staff and improving its training program. New business systems and processes were developed and implemented to improve the Unit's efficiency and performance. Finally, the SIU continued its efforts in media relations and community outreach.

New premises

In May 2000 the SIU moved into its new premises and the office was officially opened in June. The new building is strategically located near the intersections of Highways 401 and

427. It is near Pearson

International Airport, making it easier to deploy investigators and technicians to incident sites than was the case at the previous facilities in downtown Toronto.

The new location is less costly to operate; for example, the parking for fleet vehicles was reduced from \$50,000 annually to no cost.

The new premises were specifically designed and equipped to meet the operational requirements of the SIU, consistent with the recommendations made by Adams. Investigative staff now have state-of-the-art audio-video interview

rooms, secure evidence and file storage facilities, and project rooms. A large room in the building was designed for and has been extensively used as a training facility.





Most important, the new premises allow for the space and infrastructure needed to support the SIU's stand-alone Forensic Identification unit. These include a laboratory equipped with a variety of equipment including a fuming hood, chemical oven, glue fuming chamber, and Omnichrome forensic light source, as well as two independent case rooms, each with its own drying cabinets.

Recapitalization

The SIU acquired new equipment and renewed aging equipment. A key focus was equipment for forensic identification work and this included:

- a state-of-the-art digital photography station, with digital photography cameras;
- video capability, computer programs, scanner and colour printer;
- five Total Stations - investigators can now measure large outdoor incident scenes quickly and with great accuracy.

Wherever possible, one of four major case vans is dispatched to a scene. Each forensic technician is fully equipped with enough photo equipment and other scene examination and evidence collecting supplies to respond promptly and start investigating any reported incident, including those at remote locations.



SIU vehicles had been as old as ten or eleven years; the renewal of this fleet was completed during 2000-2001. Entirely new telecommunications and computer systems were installed to support the Unit's forensic, investigative and administrative functions. ▲

Investment in human resources

The SIU has taken a considered approach to its renewal. During a period of significant capital investment, the Unit also moved to increase its staff complement, using a planned and cautious approach. It was very important that new staff be both highly qualified and integrated effectively into the SIU.

The Unit now has approximately 70 staff. Fifty-five of these positions are involved directly in investigations. During 2000-2001 the SIU hired new investigators, both in Toronto and across the province. The SIU's two forensic identification supervisors and six in-house

forensic identification technicians are highly skilled, with 113 years of collective experience in forensic identification work. Most recently, the vehicle incident analysis capacity has been expanded. Other new positions staffed during the renewal period include a full time legal counsel and a training coordinator. As part of its hiring program, the SIU continues to use external representatives and professionals to participate in selection processes.

Training has been, and will continue to be a priority for the SIU. In 2000-2001 the SIU spent approximately a quarter of a million dollars on training, five percent of its total budget. During the calendar year 2000, SIU staff participated in 680 days of training. The training strategy goal is to ensure that SIU personnel are current in state-of-the-art investigation tools and practices. The strategy is composed of a number of complementary approaches.

The first approach includes an orientation training program that focuses on meeting the needs of new staff joining the SIU and ensuring they understand its expectations and standards. There is a fixed cycle of individual training that all investigative staff participate in each year and a four-day training session is held annually for all staff. As well, for ongoing learning and improvement of investigative practices, SIU staff participate in and observe videotaped case debriefings.

The training strategy also includes ongoing specialty training for forensic identification staff, such as:

- auto sketch training
- bloodstain analysis training
- total station monthly refresher training
- accident scene photography training
- laser measuring unit training

Training is also provided by outside experts who deliver programs hosted or sponsored by the Unit, to which other investigative services may be invited. Efforts to provide training in major case management should be highlighted. In the winter of 2000 the SIU sponsored a provincially mandated major case management course that allowed the Unit to bring its full time investigators up to that training standard. Both its own staff and staff from several police services participated in the course.

To meet specialized training needs, SIU staff participate in forensic education conferences, and courses and programs run by a variety of institutions and agencies, such as the Francis Glessner Lee Homicide Seminar in Baltimore.▲

Business systems and processes

An often overlooked, but important feature of an effective organization is the existence of internal systems and processes. 2000-2001 was a significant year for the development of a number of critical processes.

Business planning is now firmly established on an annual cycle and is, along with this report, a key accountability tool between the SIU and the Government. The Unit prepares an annual business plan that outlines priorities and expenditures for the coming year. Staff participate in the identification of priorities and the plan is used to measure progress throughout the annual planning cycle.

Systems to improve performance were put in place in 2000-2001. These include performance management processes that integrate performance assessment with performance targets and training objectives. This is an important tool to raise standards in the organization. As well, a substantive review of core business procedures and protocols has been initiated to examine all operating policies, procedures and standards. This initiative will be completed in 2001-2002.

Efficiency improvements were also made through the implementation of a document management system, a transcription system and significant efforts to improve staff computer literacy.▲

Media relations and community outreach

Efforts continued to increase police and public understanding of the SIU and its role. In 2000-2001 the Unit undertook initiatives to improve media relations and community outreach. These included meetings with the media, meetings with senior police authorities, presentations to police officers and associations, meetings with community groups, and presentations to colleges and universities. Community outreach objectives are also reflected in the Unit's human resources policies. To address Adams' recommendation on the need to improve the relationship between the SIU and Aboriginal people and communities in Ontario, the Unit invited an Aboriginal speaker to address the last Annual Unit Meeting and the SIU meets regularly with First Nations' Chiefs of Police.

As part of the continuing effort to increase public confidence in the SIU and its work, representatives of different communities are invited to participate in the recruitment process. The following letter from Jack Chambers, Deputy Chief of the Chatham-Kent Police Service, highlights the benefits of this practice.

December 12, 2000

Mr. Peter Tinsley, Director
Special Investigations Unit,
5090 Commerce Blvd.,
Mississauga, Ontario.
L4W 5M4



From L to R: Deputy Chief Jack Chambers of the Chatham-Kent Police Service, Mike Pearson, Executive Officer of the SIU, and retired Justice of the Peace and Honorary Consul for the Republic of Guinea, C. Arthur Downes.

Dear Sir:

I am forwarding this letter to express my personal appreciation for the opportunity to have been involved in the candidate review process for the Investigative Supervisor. I support the principles of the S.I.U. for civilian oversight and welcomed the chance to be involved in reviewing and recommending possible candidates for the position.

I congratulate you on the quality of the candidates who put forth their names. The training and experience that would be brought to your Unit by any of the recommended candidates would obviously re-enforce the capability of the Unit to investigate any incident that may arise. The calibre of the candidates also supports the professionalism of the S.I.U. that is being recognized by the policing profession.

The process was well organized and professionally conducted. This is directed toward the facilities selected, short listing of candidates, background package on candidates, set questions and in particular, the panel members. Mr. Arthur Downes, a true gentleman, has an obvious wealth of knowledge, experience and community interest and I enjoyed the two days in his company. Having a community representative of his reputation and credibility on the panel demonstrates the effort to ensure open, fair and an impartial process was conducted.

This was my first meeting with Mike Pearson, although we have spoken many times on the phone. I did thank Mr. Pearson personally for the opportunity to participate in this process and commented on the way the process was conducted so all candidates and panel felt comfortable. I am sure that the final selection will be a difficult one.

Thanks to both you and Mr. Pearson for the opportunity to have taken part in this process.

Sincerely,

Jack Chambers.
Deputy Chief of Police.



Investigations in 2000-2001

The SIU investigated 177 cases in the fiscal year ended March 31, 2001, five of which have resulted in charges being laid.

This first annual report includes three case studies to illustrate the range and complexity of the work undertaken by the SIU. The names of the injured parties and the police officers are not included so that the focus is on the role of the SIU in investigations.

Case One

In January 2001 the SIU was called to an incident in Moosonee and sent four investigators to the scene, including two forensic identification services technicians. SIU investigators reviewed police notes and reports, medical reports, communication tape recordings, scene photographs and videotapes, and interviewed eighteen civilian and medical witnesses.

The investigation found that two police officers in Moosonee responded to calls about a man firing a gun. The driver dropped his partner at the intersection cited in the calls and continued a mobile patrol of the area. A few minutes later a man carrying a shotgun in his right hand approached the officer who was on foot at the intersection. The officer unholstered his gun and ordered the man to drop the gun. The man continued to advance on the retreating officer. The officer repeated his orders that the man drop his weapon. The man raised the gun upward and toward the officer, now gripping the barrel with his left hand. The officer fired a warning shot into the ground, but the man did not stop. The officer then fired two rounds that struck and killed the man. This was the second shooting incident in the community in five months involving an Aboriginal member of the community.



On reviewing all the evidence the Director concluded that the victim “was shot whilst pointing the loaded shotgun in the officer’s direction and advancing on him” and that “the use of lethal force by the officer...was legally justified pursuant to the provisions of Section 25(3) of the Criminal Code of Canada. The officer shot [the man] on the basis of an objectively reasonable belief that his life or the life of others in the vicinity was in danger.”▲

Case Two

In August 2000 a man died while in the custody of police in Toronto. The incident took place at a convenience store in view of a number of witnesses and was the subject of intense media scrutiny and public interest.

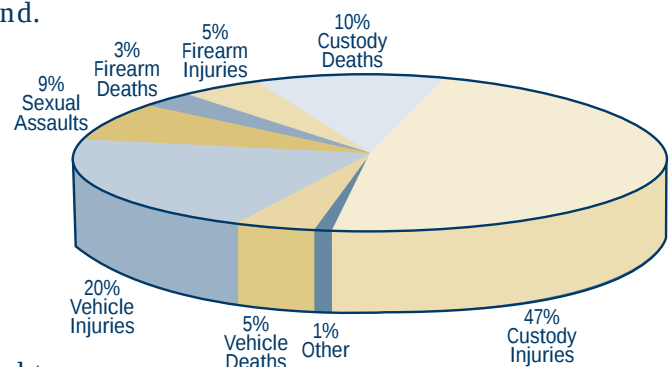
The investigation took eleven weeks and was also conducted under intense public interest. Sixteen investigators worked on the case, including forensic identification specialists. Many civilian and police witnesses were interviewed, including expert witnesses. Investigators reviewed relevant documentation including copies of police notebook entries and communication tape recordings, and examined forensic evidence collected at the scene.

The SIU investigation found evidence that the victim was involved in a physical altercation with four officers. After having been handcuffed on the ground, he stopped breathing, and despite resuscitation efforts, did not respond.

He was pronounced dead by medical personnel. Based on all the evidence disclosed by the SIU investigation the Director was satisfied that there were reasonable grounds to believe that four members of the police service committed the offence of manslaughter.

This case is presently before the courts. All the information in this summary has been previously published in the media. No further comment would be appropriate.▲

SIU
Types of Occurrences
2000 - 2001



In both of these cases the SIU responded to calls from a police service about an incident. The SIU also receives calls from members of the public. In many instances the investigation is outside the Unit's jurisdiction and the caller is referred to another agency. In 2000-2001 the SIU received approximately 240 such calls. However, calls from the public are not referred elsewhere if the elements of jurisdiction exist. Case #3 is an example of the SIU responding to public concerns that arose across Ontario and as far away as Halifax regarding the potentially criminally negligent conduct of the police.

Case Three

In December 2000, a bus on route to Thunder Bay stopped at Ignace and one of the passengers approached the driver in the depot, complaining about some people and events on the bus. The driver called the local detachment of the Ontario Provincial Police. A police officer arrived and arranged for the passenger to continue his trip on a later bus. The officer ran a check on the passenger, spoke to him about his nervousness, then drove him to a restaurant to pass the time while waiting for the next bus. A couple of hours later, the passenger returned by taxi to the bus station, where the officer again spoke with him, as well as with the bus and a second police officer. The driver suggested that the passenger sit at the front of the bus to help alleviate his nervousness. About forty-five minutes after the bus left Ignace, the passenger reportedly grabbed the steering wheel, causing the bus to go off the road and roll over. All 32 passengers and the driver of the bus were injured, and one woman has since died as a result of her injuries.

SIU investigators were sent to conduct an investigation of the police officer's role in relation to the passenger's presence on the bus. They reviewed police notes, radio tapes and interviewed witnesses. None of the people whom the SIU interviewed – the driver of the first bus, the police officer, the owner of the restaurant, the taxicab driver, the driver of the second bus, the second police officer, and the passengers on the bus – reported that the passenger was behaving in a dangerous or threatening way. The driver of the second bus said that he would not have permitted the passenger on board had his actions or demeanour given any cause for concern about passenger safety.

The Director of the SIU reviewed the evidence and concluded that the officer had acted reasonably, and that he had no grounds for detaining the passenger under either the *Criminal Code* or the *Mental Health Act*.▲

Towards the Attainment of New Standards

During the year 2000-2001 the SIU began developing new standards for implementation in 2001-02. They focus on investigations and include improving the case closure rate and having the right equipment and the right number of investigators on the scene in each investigation. These are described more fully below.

Closure rate

Closure is the completion of an investigation, either through the decision to terminate the investigation or to lay a charge. The closure rate will be measured on those cases closed by way of a decision not to lay a charge. (Cases in which charges are laid are not, strictly speaking, closed, even though a decision has been made by the SIU, because further investigations and legal proceedings may take months or even years.) The closure rate, then, is the length of time it takes from the incident report to the decision not to lay a charge. The SIU has set a target of 30 days or less and will report on the percentage of cases that meet that standard. As the chart below shows the closure rate has moved from 40% in 1998-99 to 62% in 2000-2001. The target for 2001-02 is 65%. This should be attainable next year without compromising investigative standards.▲

Case Closure Statistics

By Fiscal Year - April 1 to March 31	1998 - 1999 (excluding 3 Charge Cases)	1999 - 2000 (excluding 6 Charge Cases)	2000 - 2001 (excluding 5 Charge Cases & 2 cases not closed as of June 20, 2001)
Total # of cases	177	150	170
Average # of days to close	49.1	36.9	29.4
# of cases closed within 30 days	71	77	107
% of cases closed within 30 days	40.1	51.3	62.9

Right Equipment, Right Numbers

Investigative independence is vital to the SIU for the integrity and professionalism of its investigations, and to strengthen police service and community confidence in the agency and its work. A critical element in ensuring investigative independence is the effective deployment of equipment and investigators to the incident scene. This enables the SIU to secure the scene and reduces the chance that physical evidence will be lost.

It is often difficult to tell from the initial report what the requirements are. The SIU is adopting the strategy of deploying more investigators than may be required and then releasing them when it is determined that they are not needed. This technique is often



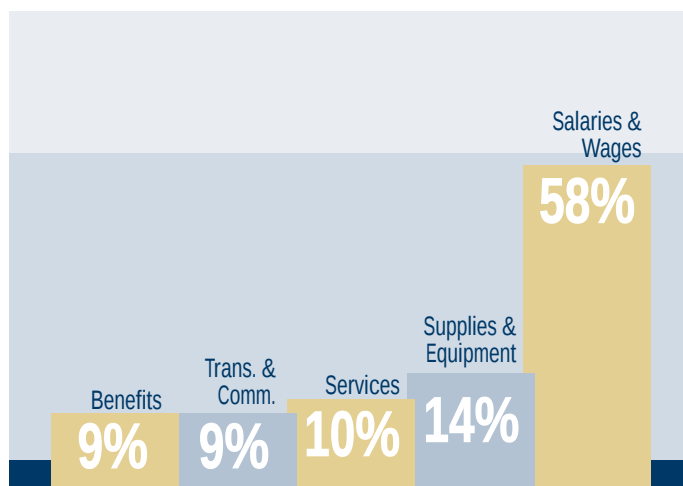
referred to as “front-end loading”. The SIU monitors the number of investigators, including forensic identification technicians, sent to each incident scene and will attempt to more precisely define specific standards for dispatch. ▲

Financial Expenditures

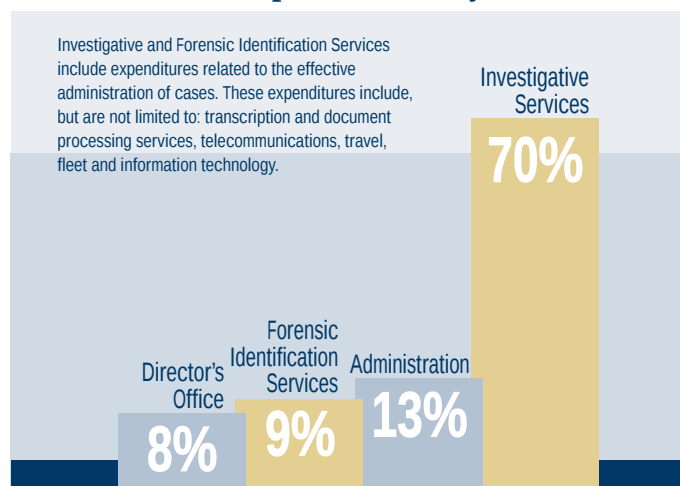
For the year ended March 31, 2001, the SIU came in on budget. Total annual expenditure was \$5,301,000, as follows:

Salaries and Wages	\$3,021,100
Benefits	486,500
Transportation and Communications	484,500
Services	548,200
Supplies and Equipment	760,700
Total	\$5,301,000

Special Investigations Unit
2000-2001



Special Investigations Unit
2000-01 Expenditures by Section



partIII

Looking Forward

In the years ahead the SIU will continue to face intense scrutiny. The policing environment is becoming more challenging – police officers may find themselves in difficult situations more often than in the past and, because of demographics will face these challenges with less experience than their predecessors. At the same time, the community's awareness and expectations of the SIU are growing.

Internally, the SIU must continue to focus on consolidation of its internal systems. The last two years have seen considerable growth and in 2001-2002 it will be necessary to secure these gains and strengthen the Unit's operations and practices to ensure it is providing the best possible service and oversight with its resources.

The SIU will focus on the following priorities in the year ahead.

Investigative Excellence

The Unit will continue to devote time and resources to improving and maintaining professional excellence in its investigations through training in specific techniques, amending and creating procedures and protocols as necessary, and carrying out case reviews.

Human Resources and Training

The SIU will continue to develop and implement staffing, training, and other programs to maintain and improve individual and organizational capacity.

Public Understanding of the SIU

The SIU will continue its efforts to improve public understanding of the role of the SIU and to enhance its credibility among stakeholders – the community and police services. Similarly, the Unit will develop appropriate initiatives to ensure that the media is well informed about the role and responsibilities of the SIU.

Business management and processes

The Unit will refine and improve business processes and systems that are needed to support its operation and to demonstrate responsible and effective resource management and improved performance and accountability.

Special Investigations Unit

In Conclusion

The SIU is a mechanism for building community confidence in the police. The Unit was created in response to a strong desire for a new kind of police oversight and, since its founding in 1990, the SIU has become a vital part of policing in Ontario, with widespread public support.

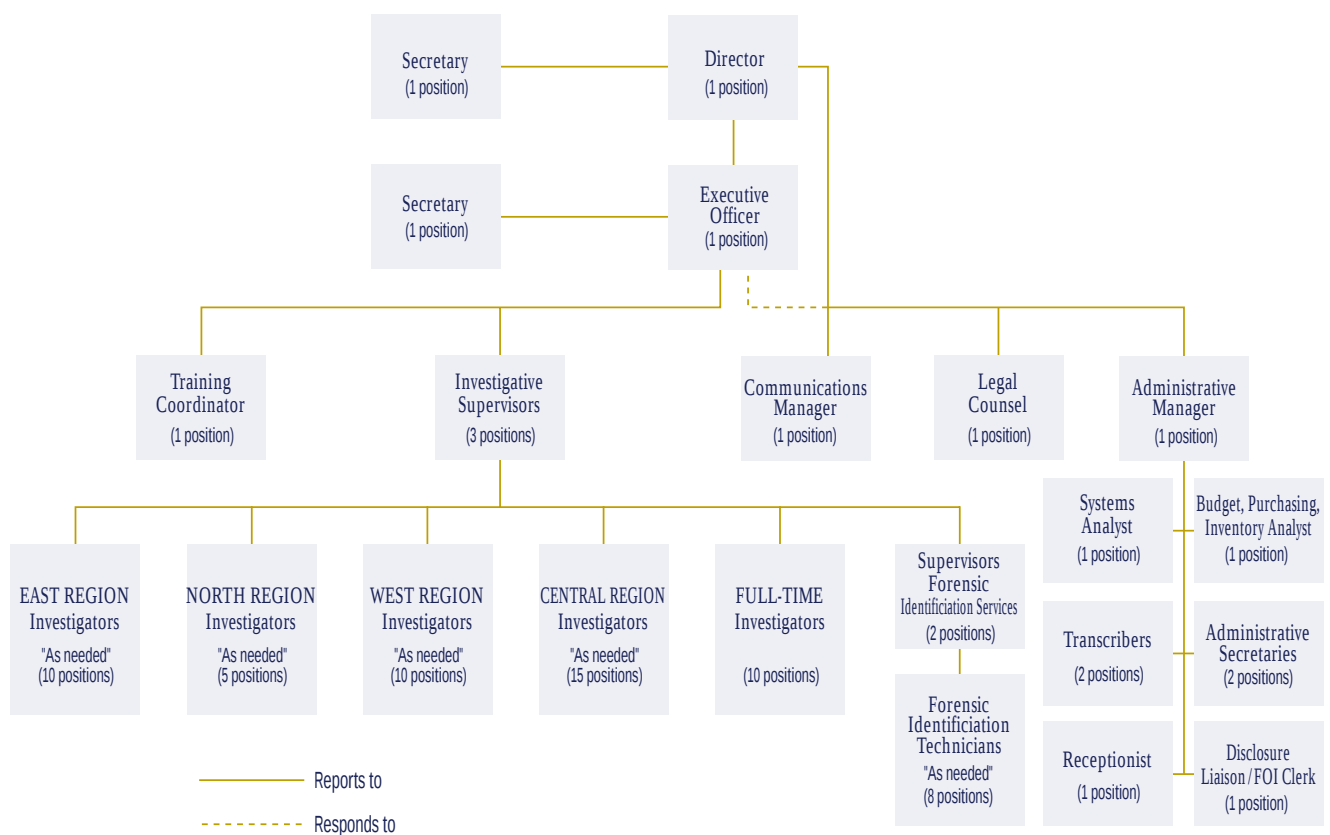
The Regulation defining police cooperation with the SIU, together with improvements in the investigative and forensic identification capabilities of the SIU, have brought a distinct and notable improvement in relations with police services. Better resources and increased mobility mean that SIU investigators and forensic technicians can get to the scene and do their work more efficiently. The SIU has greater control of investigations than in the past.

The Director and staff are committed to maintaining and strengthening both community and police confidence in the SIU in the years ahead.▲



Appendix A:

Special Investigations Unit Organizational Chart



*When Fully Staffed May, 2001

Appendix B:

Selected Staff Profiles

Director, Peter A. Tinsley

Peter A. Tinsley is a lawyer and former Assistant Judge Advocate General of the Canadian Armed Forces. He was appointed Director of the Special Investigations Unit (SIU) on January 1, 1999 for a five-year period. Prior to his appointment, Mr. Tinsley was in private practice in Belleville, concentrating in criminal law and mediation. His 28-year career in the Armed Forces included 15 years with the Office of the Judge Advocate General. During that time he served in a variety of positions including as counsel to senior Department of National Defense authorities and he was the lead prosecutor and appellate counsel in the prosecutions of Canadian Forces members stationed in Somalia. Mr. Tinsley is on the Board of Directors for the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) and a member of the Advisory Committee to Ontario's Centre of Forensic Sciences.

Executive Officer, Maurice (Mike) Pearson

Maurice Pearson has been with the SIU since 1997 and was appointed Executive Officer in 1999. Prior to his arrival at the SIU, Mr. Pearson's career involved a variety of senior positions in policing and civilian oversight of the police. His policing career included service in Toronto and with the Peel Regional Police Service where he attained the rank of Inspector. Mr. Pearson also held the position of Chief of the Innisfil Police Service (now South Simcoe Police Service) for ten years before retiring from policing in 1993. For the next four years he was a consultant for the Police Complaints Commission as well as a case manager at the Ontario Civilian Commission on Police Services (OCCOPS), an agency responsible for ensuring the adequacy and effectiveness of policing services.

Appendix C:

Excerpt from the Ontario Police Services Act, 1990, Part VII, SIU, Related Order in Council and Regulation 673/98

ONTARIO POLICE SERVICES ACT, 1990 PART VII SPECIAL INVESTIGATIONS UNIT

Section 113.

- (1) There shall be a special investigations unit of the Ministry of the Solicitor General
- (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 the *Public Service Act*.
- (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.
- (4) The director and investigators are peace officers.
- (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 circumstances of serious injuries and death that may have resulted from criminal offences by police officers.
- (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.
- (7) If there are reasonable grounds to do so in his or her opinion, the director shall cause information to be laid against police officers in connection with the matters investigated and shall refer then to the Crown Attorney for prosecution.
- (8) The director shall report the results of investigations to the Attorney General.
- (9) Members of police forces shall cooperate fully with the members of the unit in the conduct of investigations.

Extract from Order in Council 814/93:

1. The administration of Part VII of this Act be assigned and transferred from the Solicitor General and Minister of Correctional Services to the Attorney General, effective April 8, 1993, and
2. The powers and duties of the Solicitor General, now vested in the Solicitor General and Minister of Correctional Services, pertaining to the Special Investigations Unit, with the exceptions of that set out in subsection 113 (5) of this Act, be assigned and transferred to the Attorney General, effective April 8, 1993.

REGULATION 673/98 MADE UNDER THE POLICE SERVICES ACT

CONDUCT AND DUTIES OF POLICE OFFICERS RESPECTING INVESTIGATIONS BY THE SPECIAL INVESTIGATIONS UNIT

1. (1) In this Regulation,

“SIU” means the special investigations unit established under section 113 of the Act;

“subject officer” means a police officer whose conduct appears in the opinion of the SIU director, to have caused the death or serious injury under investigation;

“witness officer” means a police officer who, in the opinion of the SIU director, is involved in the incident under investigation but is not a subject officer.

(2) The SIU director may designate an SIU investigator to act in his or her place and to have all the powers and duties of the SIU director under this Regulation and, if the SIU director appoints a designate, any reference to the SIU director in this Regulation, excluding this subsection, means the SIU director or his or her designate.

2. (1) The chief of police may designate a member of the police force who is not a subject officer or witness officer in the incident to act in the place of the chief of police and to have all the powers and duties of the chief of police in any matter respecting an incident under investigation by the SIU.

(2) If the chief of police appoints a designate under subsection (1), any reference to the chief of police in this Regulation, excluding this section, means the chief of police or his or her designate.

(3) The person appointed under subsection (1) must be a senior officer.

3. A chief of police shall notify the SIU immediately of an incident involving one or more of his or her police officers that may reasonably be considered to fall within the investigative mandate of the SIU, as set out in subsection 113 (5) of the Act.

4. The chief of police shall ensure that, pending the SIU taking charge of the scene of the incident, the scene is secured by the police force in a manner consistent with all standing orders, policies and usual practice of the police force for serious incidents.

5. The SIU shall be the lead investigator, and shall have priority over any police force in the investigation of the incident.

6. (1) The chief of police shall, to the extent that it is practicable, segregate all the police officers involved in the incident from each other until after the SIU has completed its interviews.

(2) A police officer involved in the incident shall not communicate with any other police officer involved in the incident concerning their involvement in the incident until after the SIU has completed its interviews.

7. (1) Subject to subsection (2), every police officer is entitled to consult with legal counsel or a representative of the association and to have legal counsel or a representative of the association present during his or her interview with the SIU.

(2) Subsection (1) does not apply if, in the opinion of the SIU director, waiting for legal counsel or a representative of the association would cause an unreasonable delay in the investigation.

8. (1) subject to subsections (2) and (5) and section 10, immediately upon being requested to be interviewed by the SIU, and no later than 24 hours after the request where there are appropriate grounds for delay, a witness officer shall meet with the SIU and answer all its questions.

(2) A request to be interviewed must be made in person.

(3) The SIU shall cause the interview to be recorded and shall give a copy of the record to the witness officer as soon as it is available.

(4) The interview shall not be recorded by audiotape or videotape except with the consent of the witness officer.

(5) The SIU director may request an interview take place beyond the time requirement as set out in subsection (1).

9. (1) A witness officer shall complete in full the notes on the incident in accordance with his or her duty and, subject to subsection (4) and section 10, shall provide the notes to the chief of police within 24 hours after a request for the notes is made by the SIU

(2) Subject to subsection (4) and section 10, the chief of police shall provide copies of a witness officer's notes to the SIU upon request, and no later than 24 hours after the request.

(3) A subject officer shall complete in full the notes on the incident in accordance with his or her duty, but no member of the police force shall provide copies of the notes at the request of the SIU.

(4) The SIU director may allow the chief of police to provide copies of the notes beyond the time requirement set out in subsection (2)

10. (1) The SIU shall, before requesting an interview with a police officer or before requesting a copy of his or her notes on the incident, advise the chief of police and the officer in writing whether the officer is considered to be a subject officer or a witness officer.

(2) The SIU shall advise the chief of police and the police officer in writing if, at any time after first advising them that the officer is considered to be a subject officer or a witness officer, the SIU director decides that an officer formerly considered to be a subject officer is now considered to be a witness officer or an officer formerly considered to be a witness officer is now considered to be a subject officer.

(3) If, after interviewing a police officer who was considered to be a witness officer when the interview was requested or after obtaining a copy of the notes of a police officer who was considered to be a witness officer when the notes were requested, the SIU director decides that the police officer is a subject officer, the SIU shall,

(a) advise the chief of police and the officer in writing that the officer is now considered to be a subject officer;

(b) give the police officer the original and all copies of the record of the interview; and

(c) give the chief of police the original and all copies of the police officer's notes.

(4) The chief of police shall keep the original and all copies of the police officer's notes returned under clause (3) (c) for use in his or her investigation under section 11.

11. (1) The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the SIU has been notified, subject to the SIU's lead role in investigating the incident.

(2) The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers.

(3) All members of the police force shall cooperate fully with the chief of police's investigation.

(4) The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the SIU director advises the chief of police that he or she has reported the results of the SIU's investigation to the Attorney General, and the board may make the chief of police's report available to the public.

(5) The Commissioner of the Ontario Provincial Police shall prepare a report of his or her findings and any action taken within 30 days after the SIU director advises the Commissioner that he or she has reported the results of the SIU's investigation to the Attorney General, and the Commissioner may make the report available to the public.

12. (1) The police force may disclose to any person the fact that the SIU director has been notified of an incident and is conducting an investigation into it.

(2) Except as permitted by this Regulation, the police force and members of the police force shall not, during the course of an investigation by the SIU, disclose to any person any information with respect to the incident or the investigation.

13. The SIU shall not, during the course of an investigation by the SIU, make any public statement about the investigation unless such statement is aimed at preserving the integrity of the investigation.

14. A chief of police or police officer shall not be required to comply with a provision of this Regulation if, in the opinion of the SIU director, compliance is not possible for reasons beyond the chief of police's or police officer's control.

15. This Regulation comes into force on January 1, 1999.



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Special Investigations Unit

Annual Report
2000-2001

