SPECIAL INVESTIGATIONS UNIT



Annual Report 2008-2009

SIU Special Investigations Unit



Unité des enquêtes spéciales UES

Independent Investigations – Community Confidence • Enquêtes indépendantes – Collectivités rassurées

November 2009

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

Dear Mr. Attorney General:

Pursuant to the Memorandum of Understanding between the Ministry of the Attorney General and the Special Investigations Unit, I am pleased to present to you the Annual Report of the Special Investigations Unit for the year ending March 31, 2009.

Yours sincerely,

Ian D. Scott
Director

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POLICE
SIU

SIU

Our Vision

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

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

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

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

We inspire excellence through teamwork;

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

We are committed to being a great place to work.

Our Mission

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

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

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

Our Values

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

Message from the Director



The theme of this year's Annual Report is *accountability*. It is one of the values that the Special Investigations Unit has identified within its *vision, mission and values* statement, and an appropriate one to highlight in the pages of this report. Through its investigations of police conduct involving deaths and serious injuries, the Special Investigations Unit plays an important role in the system of police accountability in place in the province. However, the Unit cannot perform that role effectively without itself being accountable to the public it serves. It does so by performing high quality investigations, spending tax dollars efficiently, connecting with its stakeholders and seizing every learning opportunity to improve the work that it does.

I was appointed by the province to a five year term as the Unit's Director, commencing October 16, 2008, slightly more than two weeks after the Ombudsman released his report entitled *Oversight Unseen – Investigation into the Special Investigations Unit's operational effectiveness and credibility*. The Ombudsman made a series of recommendations – 46 in all - designed to enhance the Unit's overall effectiveness. Those recommendations were divided into three categories, with the first 25 aimed at the SIU itself. The remainder fell under the jurisdiction of the Ministry of the Attorney General and the Government of Ontario. Each set of recommendations ended with a request to report back to the Ombudsman in six month's time with respect to progress made in implementing the recommendations.

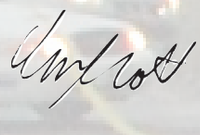
The first reporting period was March 31, 2009, the same date as the end of the fiscal year for 2008-09. Accordingly, for the first six months of my tenure as the Director, my efforts were directed at a combination of 'learning the ropes' and developing a response to the 25 recommendations contained in the Ombudsman's Report. While I am still in the learning phase, I am happy to report that we met the March 31st deadline to file a response to the Ombudsman's recommendations.

You will read about the highlights of the Unit's response in the pages of this Annual Report. However, I would be remiss at this point not to acknowledge the fine efforts of my predecessor, Mr. James Cornish, in paving the way to improving the SIU's effectiveness. He spearheaded the implementation of the Balanced Scorecard (BSC), a strategic management system that enables organizations to clarify their vision and strategy, and translate them into action. I used the BSC process to assist me in receiving input from all of the Unit's staff in developing a response to the Ombudsman's recommendations. The hiring of four additional investigators, including two entry-level candidates, the creation of an Outreach Coordinator position, an improved dispatch procedure, the implementation of an Acting Investigative Supervisor program and a training focus on leadership are some of the other successes of the BSC process during the year, details of which are also contained in this Annual Report. All told, the process has proven invaluable.

My other priority during the year was to reduce the backlog of outstanding cases under investigation. While some of the investigations are lengthy due to circumstances beyond the Unit's control, such as the completion of reports from external experts, I have attempted in my first six months to decrease the number of cases under consideration in the Director's office. Owing to the dedicated efforts of all staff at the Unit, we were able to reduce the number of outstanding cases from 77 on October 15, 2008 to 41 on March 31, 2009, a 47% reduction.

While it is easy to become involved in the *minutiae* of the day to day activity in the office, I take pride in knowing that the Special Investigations Unit remains on the cutting edge of police accountability to civilian authority in Canada. The SIU began as a fledgling oversight organization in September 1990. Other provinces are now beginning to follow suit. Alberta amended its *Police Act* in 2007 to create the Alberta Serious Incident Response Team, an independent agency which investigates death, serious injury and corruption cases where the police are involved. Manitoba is in the process of tabling a new *Police Services Act* designed to adopt the recommendations of Commissioner Salhany's *Report on the Taman Inquiry* and establish an Independent Investigations Unit modelled on the SIU. Finally, the *Braidwood Inquiry* began in British Columbia in January 2009 with a mandate to review the circumstances of the death of Robert Dziekanski and will likely make recommendations to the provincial government on the issue of civilian oversight of the police. Overall, an exciting time to be part of the oversight team!

Ian D. Scott



Director


Part One

Introduction to the Special Investigations Unit

Overview

The Special Investigations Unit (the "SIU" or the "Unit") conducts investigations of incidents involving the police that have resulted in death or serious injury, including complaints of sexual assault. The SIU is a civilian law enforcement agency independent of the police. While the Unit is an agency of the Ministry of the Attorney General, it maintains an arm's length relationship with the Government of Ontario in its operations.

The SIU's mandate has been clear from its inception in 1990 – to nurture public confidence in policing by ensuring that police conduct that results in serious injuries or deaths is subject to rigorous and independent investigation. It is that mandate that is reflected in the Unit's current motto: *Independent Investigations - Community Confidence.*

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

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

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

The Investigative Process

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

What the Unit can investigate

The jurisdiction of the SIU is set out in section 113 of the *Police Services Act*. The Unit conducts investigations into police activity where someone is seriously injured, alleges sexual assault or dies. Complaints about police conduct that do not meet these criteria are referred to other agencies, such as an appropriate police service. Some will soon be referred the Office of the Independent Police Review Director, which is scheduled to commence operations later this year.

Notification

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

The investigation

Although the circumstances of every case are unique, the approach to most investigations is similar. The investigative process begins with the assignment of a lead investigator and the deployment of as many other investigators and resources as required. The type of case also impacts how many investigators are initially dispatched. For example, more investigators are typically sent to scenes of incidents involving firearms or a death than to other scenes.

Investigations typically involve:

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

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

The **lead investigator** plays a critically important role in an investigation. She or he:

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

Responsiveness to complainants and families

Dealing in a compassionate manner with persons who have been injured and the families of individuals whose deaths are the subject of an investigation is a priority at the SIU. This is the concern of every member of the office. That said, in an effort to promote continuity in the relationship, a single member of the investigation team, assisted by the Affected Persons Coordinator where necessary, will take the lead in liaising with complainants and families. The Affected Persons Coordinator position at the SIU is discussed in further detail in the *Communications and Outreach* section of this Report.

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

The Unit informs complainants and families that the general findings of the investigation will be discussed with them at the conclusion of the case. However, in order to protect the integrity of related proceedings and the privacy of witnesses who provided information on a confidential basis to the SIU, not every aspect of the investigation can be disclosed to them. In cases where the SIU has laid a criminal charge, the SIU will explain that its ability to release information is further limited by the need to protect the fair trial interests of the accused person and the community.

Director's decisions

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

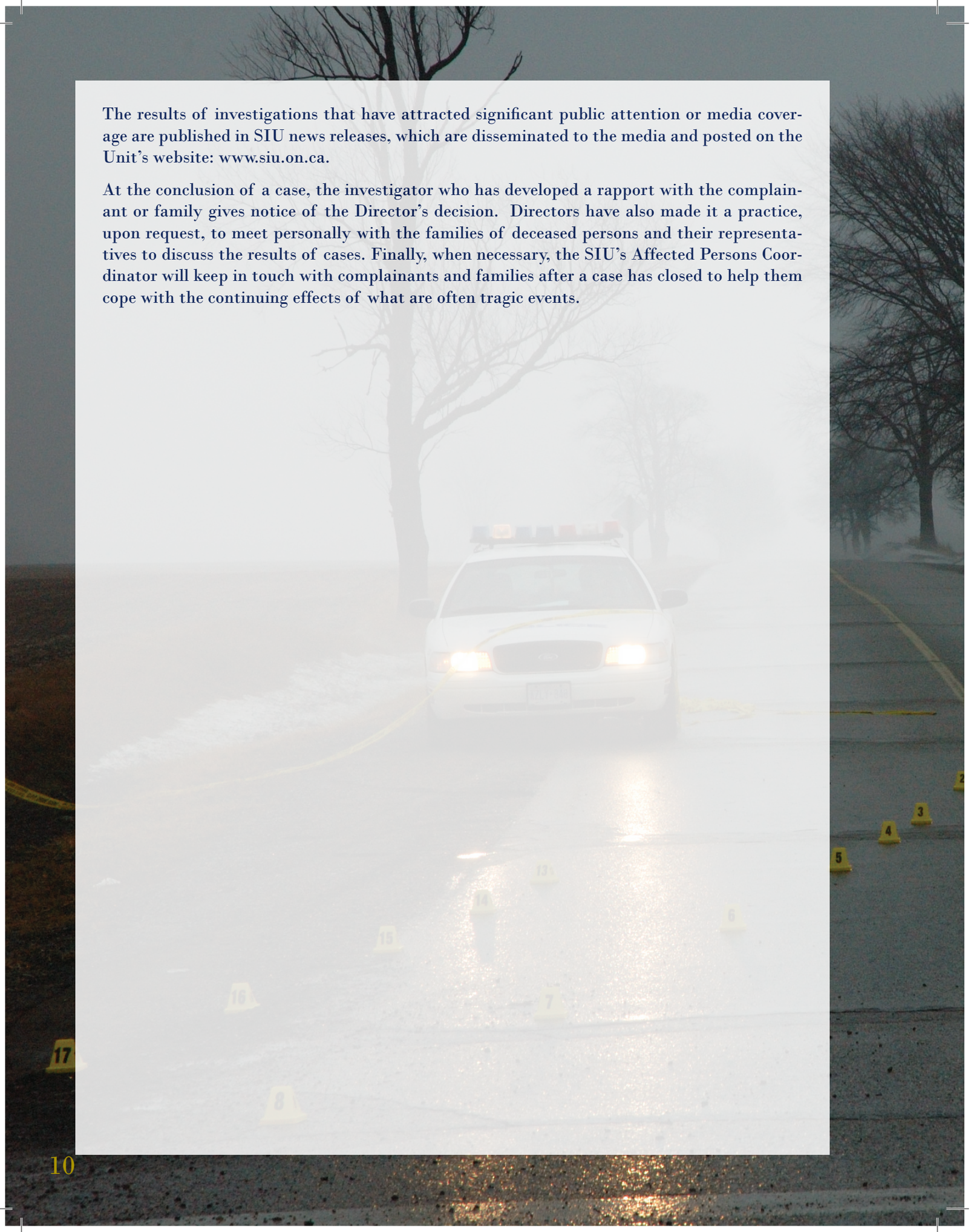
If no charges are laid in a case involving a death, the Coroner's Office, pursuant to its powers under the *Coroners Act*, typically obtains a copy of the Director's report to assist in deciding whether an inquest will be held.

In some cases there is no need for the Director to decide whether charges are warranted because it becomes evident during the course of those investigations that the incident in question does not fall within the SIU's mandate or there is patently nothing to investigate. For example, medical records obtained by the Unit at an early point in a case may disclose that the injury reported is not in fact a "serious injury" (see *Frequently Asked Questions* section of this Report for meaning of "serious injury"). In these circumstances, the SIU Director terminates all further SIU involvement without making a decision on charges. When this occurs, other processes are engaged to deal with the matter. For example, a police service may proceed to investigate the incident or the matter may be referred to the Office of the Independent Police Review Director when it becomes operational.

After the investigation

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

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



The results of investigations that have attracted significant public attention or media coverage are published in SIU news releases, which are disseminated to the media and posted on the Unit's website: www.siu.on.ca.

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

Frequently Asked Questions

Why does the SIU exist?

Prior to the establishment of the SIU, a police service investigated its own officers in Ontario, or in some instances, another police service was assigned to conduct the investigation. Over time, public concern grew about the integrity of the process in which police officers investigated other police officers, particularly in incidents of police shootings where a member of the public had been wounded or killed. Simply put, there came to be a lack of public confidence in a system where police investigated themselves.

As a result, the SIU was formed in 1990 under a new Ontario *Police Services Act*, which established the SIU as an independent, arm's length agency of the government, led by a Director and composed of civilian investigators.

How does the SIU receive notice of incidents?

Most incidents are reported to the SIU by police services. All Ontario police services are under a legal obligation to immediately notify the SIU of incidents of serious injury or death involving their officers.

The SIU is also notified of incidents by complainants themselves or their families, members of the media, lawyers, coroners and those in the medical profession. In fact, any member of the public can notify the SIU of an incident by calling the SIU directly at 1-800-787-8529 or 416-622-0748.

What does the SIU investigate?

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

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

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

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

What are "serious injuries"?

The SIU continues to use the definition of "serious injury" that was created by the SIU's first Director, the Honourable John Osler. The *Osler* definition reads:

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

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

While the *Osler* definition was adopted with the agreement of the Ontario Association of Chiefs of Police when it was first published in the early 1990s, the OACP, which represents every police service in the province, unilaterally issued a significantly narrower definition of "serious injury" in 1999. As a result, some Ontario police services presently use the *Osler* definition when gauging their reporting obligations to the SIU while others employ different definitions. This issue is further addressed in the *Current and Emerging Issues* section of this Report.

Who are SIU investigators?

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

All SIU investigators are civilians. They come to the SIU from a variety of backgrounds ranging from policing, workplace health and safety, national security and intelligence, immigration, corrections and the legal profession. By the end of 2008-09, there was an even split among the Unit's investigators stationed at head office between those from policing and non-policing backgrounds.

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

How long do SIU investigations take?

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

Must officers cooperate with the SIU?

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

Ontario Regulation 673/98, enacted under the *Police Services Act*, sets out further duties of police officers during SIU investigations. For example, "witness officers" (that is, police officers involved in an incident under investigation but who are not "subject officers") must submit to an SIU interview. On the other hand, because they are the target of an investigation and therefore under criminal jeopardy, "subject officers" (that is, police officers whose conduct is connected to the serious injury or death in question) are not obliged to be interviewed by the SIU, although many voluntarily choose to be interviewed.

What happens at the end of an investigation?

The Unit's primary focus during the investigative process is to gather the evidence. Once all the evidence is in, the Director decides whether there are reasonable grounds to lay a criminal charge against a police officer.

At the end of the process, if no charges are laid, the SIU provides an explanation of what happened to affected persons while recognizing the confidentiality of the information that has been gathered and the limits imposed by law. The Attorney General of Ontario, the injured individuals or the families of deceased persons, and the chief of the involved police service or the Commissioner of the Ontario Provincial Police, are notified of the investigation's findings and the Director's decision. Directors have also made it a practice, upon request, to meet personally with the families of deceased persons and their representatives to discuss the results of cases. Interaction with the SIU, and especially the Affected Persons Coordinator, may also continue after a case has closed.

Where a charge is laid, in order to protect the integrity of the legal proceedings which will follow, the SIU is unable to comment on the investigation.

The results of investigations that have attracted significant public attention are disseminated in SIU news releases. News releases are available on the SIU's website**: www.siu.on.ca.**

Does the SIU investigate off-duty police officers?

The SIU's statutory jurisdiction does not differentiate between on-duty and off-duty police officers. Accordingly, the SIU's jurisdiction captures off-duty police conduct that results in serious injury (including allegations of sexual assault) or death, and police services are under a corresponding duty to report these incidents.

However, as a matter of practice and given the limits of available resources, the SIU will not normally investigate conduct by off-duty police officers unless police equipment or property is involved, or the off-duty officer's status as a police officer has been implicated in the course of the incident, such as may occur if an off-duty officer identifies herself or himself as a police officer.

What happens to police officers who get charged?

Once the SIU has laid a charge against a police officer, the Unit refers the matter to Justice Prosecutions of the Criminal Law Division at the Ministry of the Attorney General, which prosecutes the charge. The SIU, as an investigative agency, is not involved in the prosecution, although it does participate by preparing the Crown brief and assisting the Crown.

While the SIU publicly announces when it has laid a charge against a police officer, the Unit does not release much information regarding the basis of that charge in order to protect the fair trial interests of that police officer and the community.

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

Current and Emerging Issues

The Definition of "Serious Injury"

The mandate of the SIU is determined by subsection 113(5) of the *Police Services Act*, which in part reads:

> *The director may … cause investigations to be conducted into the circumstances of serious injuries and deaths that may have resulted from criminal offences committed by police officers. [emphasis added]*

For the last four Annual Reports, predecessor Directors of the SIU have stated that the SIU uses the *Osler* definition of "serious injuries" which state

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

The Reports have gone on to say that the Ontario Association of Chiefs of Police (OACP) has adopted this definition, recommending to its members that they use it in determining whether a case falls within the jurisdiction of the SIU.

Until recently, the Unit operated upon the premise that all police services throughout the province were using the *Osler* definition in its dealings with the SIU. Regrettably, this proposition has proven to be incorrect. As a result of an exchange of correspondence this year with a municipal police service in which the Unit complained that the service had not notified it of a case within the SIU's jurisdiction, it became apparent that the OACP did not adopt the *Osler* definition of "serious injuries", and, in fact, has its own much narrower definition, which is:

> *"Serious Injury" shall mean:*
>
> *1. Injuries that materially impair or interfere with the health of an individual, but does not include:*
>
> > *a. fractures, cuts and burns that do not necessitate admission to acute medical care in a hospital, or*
> > *b. Admission to a hospital for observation only.*
>
> *2. Allegations, or real evidence, of sexual assault.*

While the Unit continues to investigate this issue, it would appear that there is no consensus across the province on which definition of "serious injuries" is being used by municipal police services.

On top of the confusion generated by these two definitions, the Ontario Provincial Police uses a truncated form of the *Osler* definition of "serious injuries", which reads as follows:

> *Notification to the SIU is mandatory in the following incident types:*
>
> - *Death or serious injury when a person:*
> - *Is **admitted** to hospital;*
> - *Suffers a fracture to a limb, rib, 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;*
>
> *Caused by police shooting, use of force or where a police vehicle has been involved;*
> *e.g. suspect apprehension pursuit, collision;*
>
> - *Death of a person in custody;*
> - *Sexual assault, including allegations of sexual assault committed by a police officer; or*
> - *Unusual circumstances where police have been involved and a death has occurred. [bolding in the original]*

In effect, it adopts the latter part of the *Osler* definition without including the first and most important sentence of that definition, which reads as follows:

> *"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.*

The result is an unsatisfactory quilt work of definitions of "serious injuries" used by police services throughout the province that leads inevitably to an uneven application of the law. It cannot be right that the mandate of a provincial oversight agency is determined by the jurisdiction of the incident; that injuries deemed serious enough to call the SIU in one municipality are not serious enough in another one to call the same oversight agency. The only reasonable way to address this issue is to have the same definition across the province and to heed the words of the Honourable George Adams, Q.C. who wrote in his 1998 report on the SIU, "[T]he issue of notification must be treated more like that of calling an ambulance - when in doubt call." It will then be up to the SIU to determine whether the injury in question fits within its mandate.

Growth in Caseload

The SIU continues to be challenged by an ever increasing caseload. In 2008-09, files were opened with respect to 299 occurrences reported to the Unit, a record high number. This increase builds upon what were previous record high levels in 2006-07 and 2007-08, 238 and 246 cases, respectively. To put the numbers into further perspective, the Unit's average annual caseload for the last four fiscal periods is 246 cases, which amounts to a 53% increase compared to the corresponding average of 161 cases for the preceding four year period.



Director Ian Scott pictured with the four new SIU forensic cargo vans, delivered to the Unit in July and October 2008. The vans, which are fully equipped with forensic equipment, are more fuel efficient and have a greater payload capacity than the vehicles they replaced. They are stationed strategically throughout the province in Kingston, Orillia, Kitchener and SIU headquarters in Mississauga, allowing SIU forensic investigators to respond quickly to incident scenes at a moment's notice.

Notwithstanding the caseload pressures, the Unit's personnel continue to respond admirably to ensure that investigations are conducted thoroughly and in a timely fashion. During the year, 46% of all cases that were closed were completed within 30 business days, up from 38% the previous year.

The Ministry of the Attorney General has also acted to help alleviate the Unit's workload stresses. New funding totaling approximately $700,000 was approved for the SIU in 2008 in order to hire four more classified investigators, including two entry-level investigator positions aimed at attracting individuals from non-police backgrounds, three additional administrative support personnel and an Outreach Coordinator. The government also approved one-time funding for a Mobile Investigative Centre – an office on wheels which will enhance the SIU's ability to investigate major incidents by quickly establishing an independent presence at scenes from which to interview witnesses and process forensic evidence.

By the end of the fiscal period, the Unit had filled its additional complement of investigator positions. Each of the two trainee positions went to candidates without former police experience. Competitions for the administrative and Outreach Coordinator positions are underway and the Unit anticipates that these jobs will be staffed by the end of the next fiscal year. It also expects to take delivery of the Mobile Investigative Centre in the near future. Together with the hiring earlier this year of ten investigators to replenish its off-site investigative ranks and the purchase of four oversized forensic cargo vans, financed from the Unit's existing budget, this infusion of human and capital resources has better positioned the Unit to meet the challenges of its expanding caseload.



Deputy Attorney General Murray Segal, left, expresses his support for the work performed by the women and men of the Unit during an address to staff in October 2008.

SIU Moves Forward on Ombudsman's Recommendations

In September 2008, Ontario's Ombudsman issued a report in which he made 25 recommendations directed at improving the operations of the SIU. In March 2009, the Unit wrote to the Ombudsman to report its progress in addressing the recommendations.

In response to the Ombudsman's suggestions regarding the Unit's investigative processes, the Unit:

- Instituted a more formal process for tracking and dealing with instances of police non-compliance with regulatory requirements, such as when they fail to report cases that fall within the SIU's mandate in a timely manner. 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;
- Incorporated the use of BlackBerrys within a reformed dispatch procedure to ensure a continuous call-out of investigators to incident scenes in an effort to improve response times; and
- Affirmed its commitment to interviewing witness officers quickly while preserving the discretion of its investigators to chart an investigative plan that is responsive to the circumstances of each case without being tied to any hard and fast rules relating to the timing and venue of interviews.

Though the Ombudsman concluded that his office was "…unable to find any objective evidence that any individual [SIU] case had been tainted by improper motives", the Unit also moved to address perception concerns raised by the Ombudsman by:

- Creating two new investigative trainee positions that were filled by investigators with no police background; and
- Taking steps to ensure that persons without police backgrounds were represented within investigative management with the implementation of the Acting Investigative Supervisor program. The program is slated to run for two years and will accommodate candidates from the Unit's investigative roster. By the end of the fiscal year, three candidates had been selected for entry into the program, none of whom are former police officers. The program may be extended beyond the two-year period.



SIU Director Ian Scott and the Honourable Chris Bentley, Attorney General of Ontario, during a visit to the SIU in February 2009. The Attorney General met with Unit staff, toured the facilities and was briefed by the Director on developments at the Unit in the wake of the Ombudsman's Report.

Acting Supervisor - Six Month Career Development

Rob Watters

In fall 2008, the SIU created the position of Acting Investigator Supervisor; an ongoing six month professional development opportunity for SIU investigators.

When I accepted this position in January 2009, I was excited about the opportunity to direct change in a manner meaningful to me. With the expansion in the number of SIU investigators, I noticed that several report writing styles were emerging and accordingly developing a consistent report writing format has become a key initiative for me. In some cases this requires providing criticism on submitted reports and I have been very impressed by how open and willing investigators have been to receiving suggestions.

As an Acting Investigative Supervisor, I am developing an appreciation for the macro level tasks that must happen in order to allow field investigators to focus on the details of an investigation. For example, in handling an incident in a remote community, I have come to understand the logistical challenges a supervisor faces in dispatching investigators to the scene. This includes determining how to get an investigative team to the scene while prioritizing the timeliness of the response and preservation of the scene, establishing agreements with the police service regarding the handling of the scene pending SIU arrival and, in some cases, resolving issues that arise with police services.

While I miss actively conducting investigations in different locations and with diverse communities across Ontario as an investigator, I am enjoying this position and having the support of my fellow supervisors and the Executive Officer has made it a great learning experience. I find the position to be very interesting and would consider applying for a longer term should the opportunity present itself in the future.


1
2



Part Two

The Year In Review

Investigations

Occurrences

2008-09 saw another record high intake of cases investigated by the SIU. There were 299 occurrences in 2008-09, a 22% increase over 2007-08. The figure also represents a 26% and 47% increase from the number of occurrences in 2006-07 and 2005-06, respectively. Year to year, the number of custody injuries jumped from 124 to 182, an increase of 46%. Overall, criminal charges were laid in four cases against a total of four officers. Three of the four cases were custody injuries and resulted in charges of *assault causing bodily harm*. The forth case involved a vehicle death and culminated in charges of *dangerous driving causing death* and *criminal negligence causing death*.

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

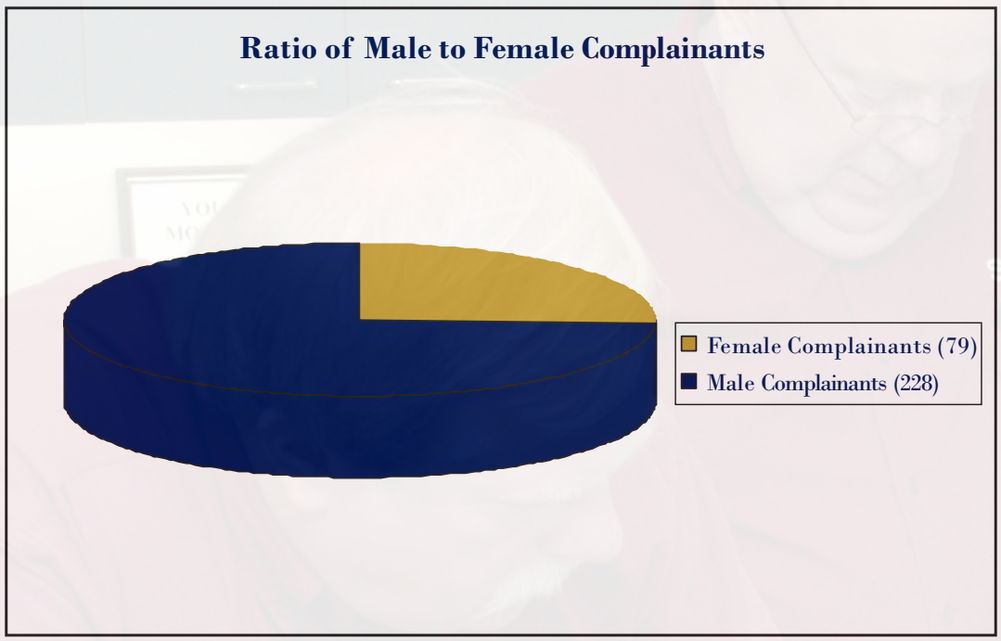
Occurrences

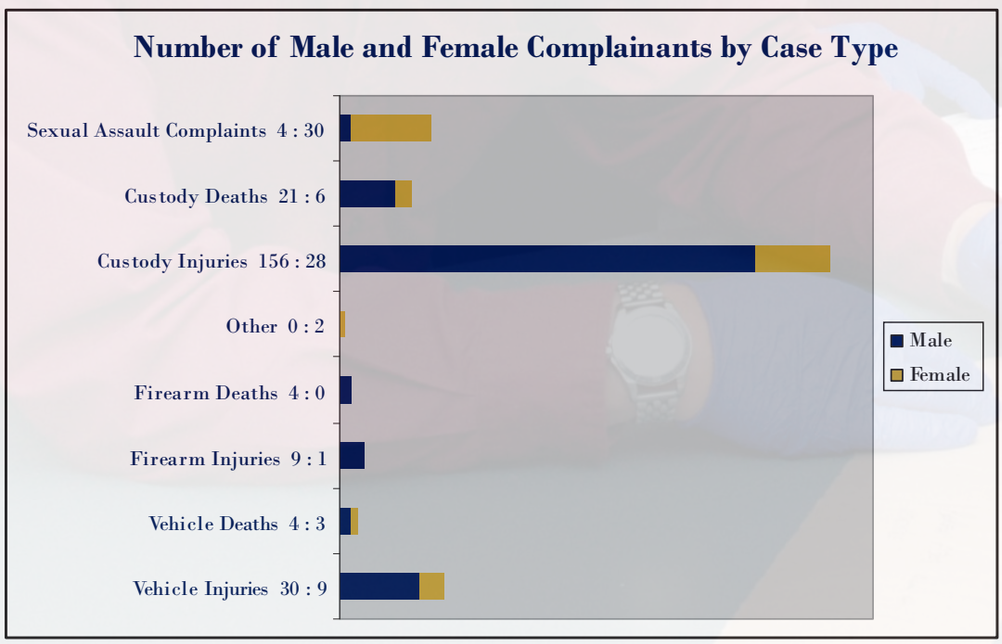
April 1, 2008 – March 31, 2009

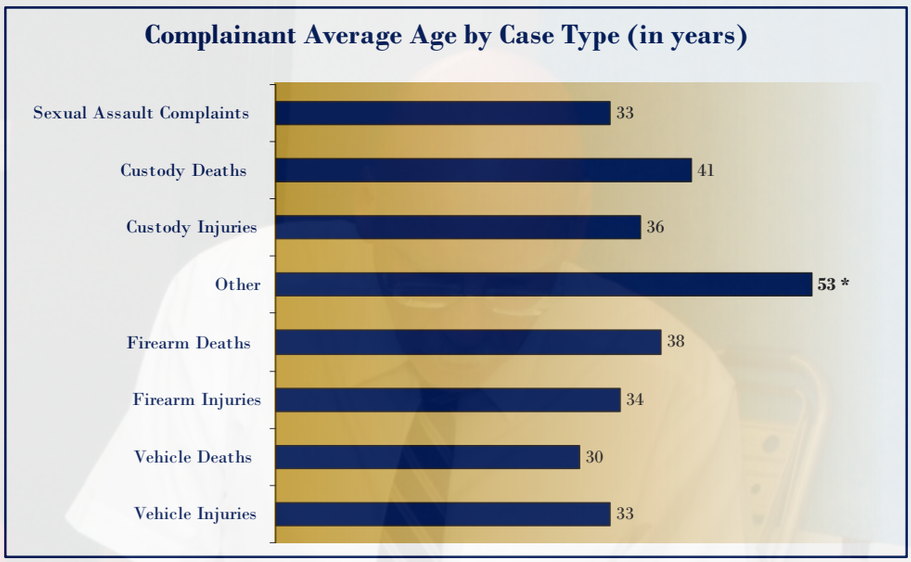
Types of Occurrences	#	Types of Occurrences	#
Firearm Deaths	**4**	**Other Injuries/Deaths**	**2**
Firearm Injuries	**10**	**Vehicle Deaths**	**7**
Custody Deaths	**27**	**Vehicle Injuries**	**33**
Custody Injuries	**182**	**Sexual Assault Complaints**	**34**
Total occurrences:			299
Number of cases in which charges were laid:			4
Number of officers charged:			4

Information about Complainants

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



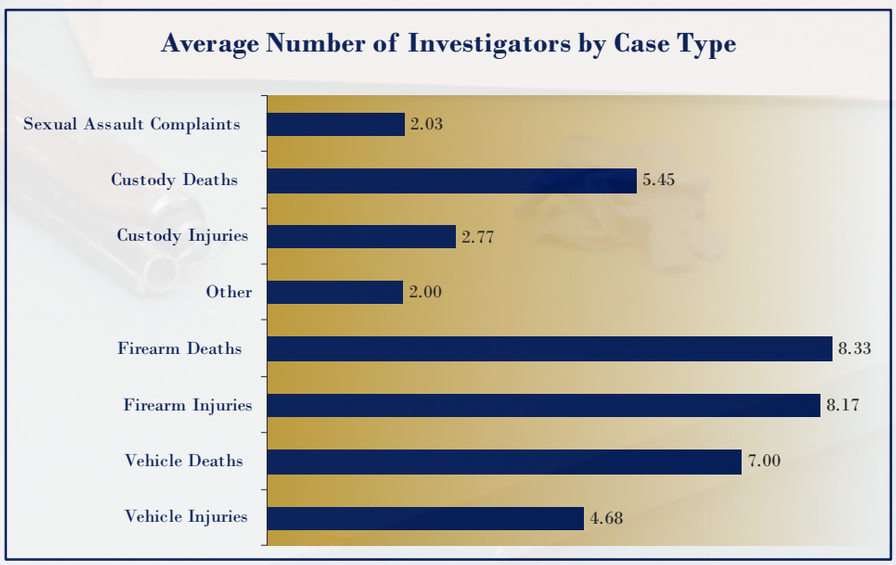




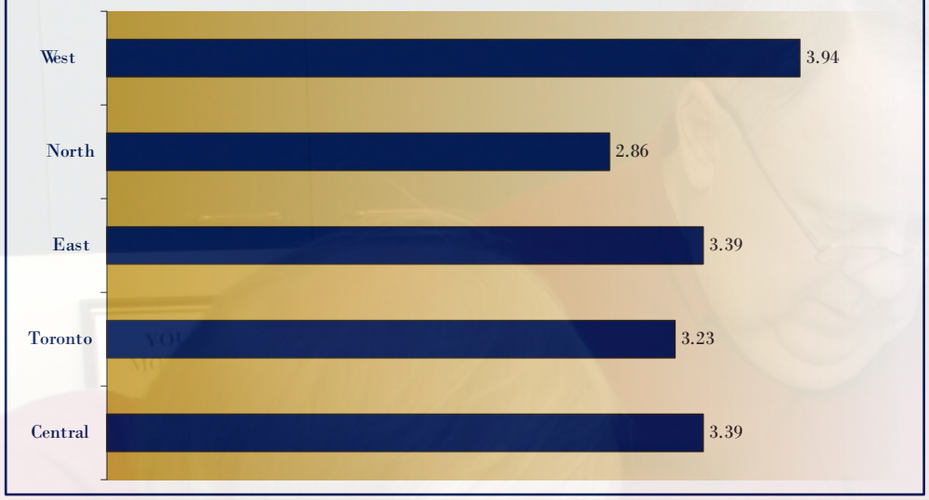
** Please note that this figure is based on just two cases.*

Initial Response

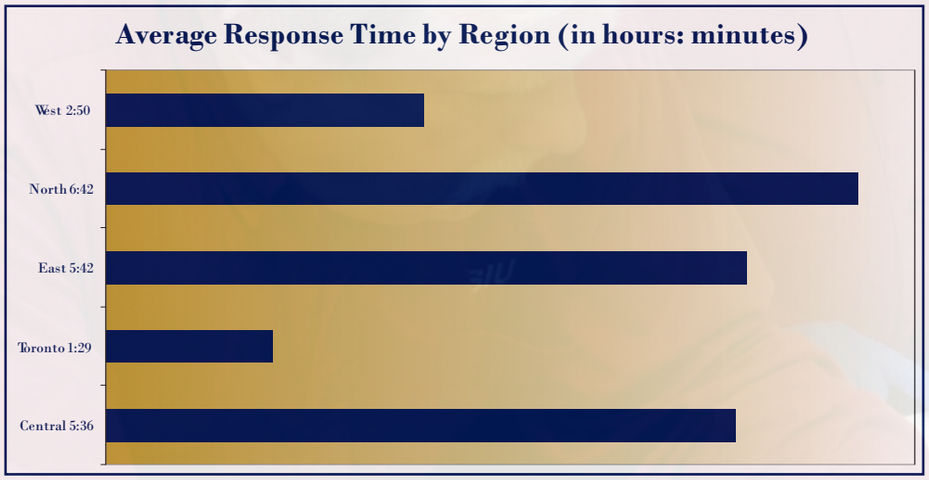
The SIU measures the time it takes investigators to arrive at an incident scene and the number of investigators deployed. Speed of response and the number of investigators initially dispatched to an incident are important in many cases because of the need to secure physical evidence and meet with witnesses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



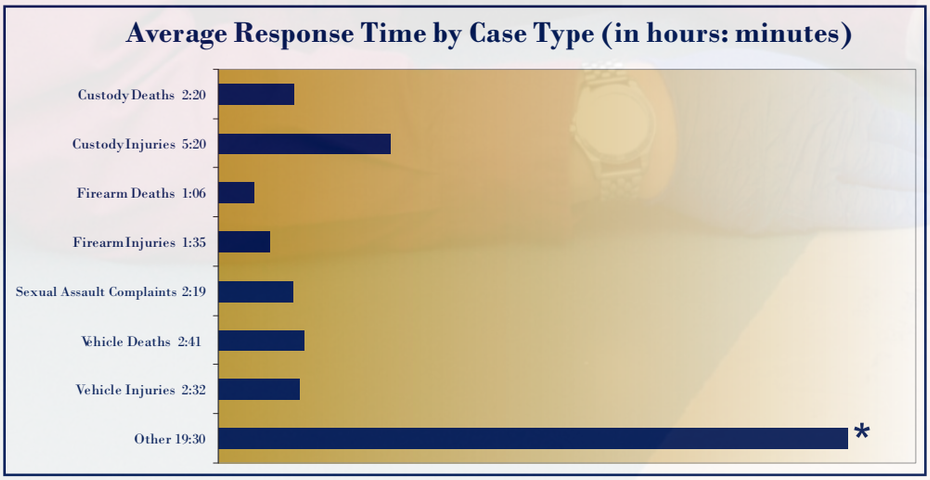
Average Number of Investigators per Case by Region



Average Response Time by Region (in hours: minutes)



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



* *Please note that this figure is based on just two cases.*

Closure Rate

The SIU has set a performance standard of closing 65% of its cases within 30 business days. Owing in large measure to increased caseload pressures on human and capital resources, the Unit was unable in 2007-08 to meet this target for the first time since the standard was established – closing 38% of cases within 30 business days. In 2008-09, the SIU rebounded and managed to close 46%, notwithstanding a further increase in its caseload. The Unit's improved performance in this area was the result of the dedicated efforts of its staff and an infusion of much needed human and capital resources.

Case Closure Statistics 2008-09	
Total # of cases[1]	304
Average # of days to close[2]	42.2
# of cases closed within 30 business days	139
% of cases closed within 30 business days	46%

Case Reviews

The SIU has a well-established system of "case reviews" which offers police services the opportunity to provide commentary about SIU investigations at their conclusion. This mechanism is an important part of the quality controls in place at the Unit meant to ensure that SIU investigative practices are continually benefiting from constructive feedback and learning opportunities. Every year, a number of non-charge cases are randomly selected for review. In 2008-09, the SIU initiated 19 case reviews with police services across the province and received 11 responses.

Police services that participate in the program complete a standard questionnaire which canvasses various aspects of the investigative process. Once the questionnaires are completed and returned, the information is carefully reviewed and may lead to training initiatives or changes to the Unit's policies and investigative practices. From time-to-time, this process spawns more direct contact between the SIU and police services during which representatives meet to consider specific issues.

1 The number of closed cases is different than the total occurrences in 2008-09 as it includes occurrences from the previous fiscal that were closed in 2008-09 and does not include cases that remained open at the end of the fiscal period.

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

Terminations

In some SIU cases, information is gathered at an early stage of the investigation which establishes that the incident, at first believed to fall within the SIU's jurisdiction, is in fact not one that the Unit can investigate. It may be that the injury in question, upon closer scrutiny, is not in fact a "serious injury". In other cases, though the incident falls within the SIU's jurisdiction, it becomes clear that there is patently nothing to investigate. In these instances, the SIU Director exercises her or his discretion and "terminates" all further SIU involvement. When this occurs, the Director does not render a decision as to whether a criminal charge is warranted in the case or not. Other law enforcement agencies may be able to deal with these incidents.

Of the 304 cases closed in 2008-09, 67 were terminated in this fashion.

Non-Jurisdictional Incidents

In contrast to cases that are ultimately "terminated", some incidents reported to the SIU never become SIU cases because it is clear at the outset that they do not fall within the SIU's mandate. In 2008-09, the Unit received 75 non-jurisdictional complaints - 57 from members of the public and 18 from police services. The previous year there were 47 non-jurisdictional complaints. Examples of non-jurisdictional incidents included:

- In July 2008, the SIU was informed by an individual that he had been punched by an officer while being arrested and that, as a result, he had sustained swelling around an eye. The SIU advised the man that his injury did not amount to a "serious injury" and that therefore the Unit could not investigate his complaint. The individual was referred to the Ontario Civilian Commission on Police Services;
- In August 2008, an individual called the SIU to complain about his living conditions while in jail awaiting deportation. He indicated that he was being subjected to cruel treatment at the hands of the jail guards and asked that the SIU investigate the institution. The Unit explained that its jurisdiction was limited to the conduct of police officers and referred the individual to the correctional authorities; and
- In January 2009, the SIU received a complaint from an individual against a police service. Certain personal property had been stolen from her and she was not satisfied with the police investigation of the theft. The Unit explained that it could not investigate the matter because it did not involve "serious injury" and referred the complainant to the professional standards branch of the police service in question.

Case Studies

File # 08-OCI-061

On April 18, 2008, the Hamilton Police Service (HPS) notified the SIU of a custody injury that occurred the previous evening.

The SIU dispatched two investigators and one forensic investigator to probe the incident. As part of the investigation, three witness officers and six civilian witnesses were interviewed. HPS documents were also reviewed by the SIU.

The investigation revealed that on April 17, 2008, three HPS officers responded to a disturbance call at an apartment on Queenston Road in Hamilton. A man, who initially denied them entry, shouted through the door that he had a gun and would shoot. He had also thrown objects from the fourth-floor balcony, including toilet paper that he had lit on fire.

Believing that a woman could be in the apartment and realizing that the man was a potential danger to himself, officers pushed their way through the door that had been barricaded by a couch and mattress, and entered the darkened apartment with flashlights. A physical struggle ensued and, in an effort to subdue the man, one of the officers discharged his Taser weapon. Suddenly, the man caught on fire. Officers, surprised by the fire, acted quickly to extinguish the flames by pushing the man to the floor and extinguishing the flames. The man was treated in hospital for burns to his leg, thigh and stomach area.

Subsequent investigation revealed that the man had concealed a can of hair spray in the waistband of his trousers and had placed knives throughout the apartment in different locations. When the officer fired his Taser, it inadvertently struck the aerosol can, igniting the contents.

The Director of the SIU concluded, "The officers were attending a volatile situation where a distraught man was engaged in destructive and potentially dangerous behaviour. The man was uttering threats to the officers in an attempt to keep them from entering his apartment. They had ample justification to enter the man's apartment and, indeed, could well have been the subject of criticism if they did not do so. In my view, the arrest of this man was lawful, the use of force was justified and the force used was not unreasonable in the attempt to overcome the resistance being offered."

File # 08-OVD-096

On May 28, 2008, the Barrie Police Service (BPS) notified the SIU of the death of a pedestrian that had occurred earlier that evening.

Four SIU investigators, including two SIU forensic investigators and a collision reconstructionist, were dispatched to probe the circumstances that led to the death of the 43-year-old man in Barrie. Police documents were reviewed and 42 witnesses were interviewed.

The SIU investigation established that on May 28, 2008 at about 8:00 p.m., a BPS officer attempted to stop a 2007 Nissan Sentra on Essa Road near Anne Street in Barrie. The officer who was operating a marked BPS police car activated the car's emergency lights. The driver of the Nissan did not stop and accelerated away from the officer. The Nissan traveled along a number of streets, and the BPS officer lost sight of the Nissan on Huronia Road.

The Nissan struck a man, who was crossing the road, as it went through the intersection of Huronia Road and Yonge Street. The Nissan continued on Yonge Street and eventually collided with a utility pole at D'Ambrosio Drive. The driver of the Nissan fled the area on foot.

The man who was struck was transported to Royal Victoria Hospital for treatment. However, he succumbed to his injuries. The driver of the Nissan was later apprehended by members of the BPS.

The Director stated, "The officer activated his roof lights and attempted to pull the vehicle over. The vehicle sped off and was involved in numerous breaches of the rules of the road over the span of the pursuit. The cruiser reached significant speeds, but the pursued vehicle was going faster and there was a gap between the Nissan and the police car. There is no suggestion that the cruiser ever made contact with the Nissan, nor can it be said that the officer operated his cruiser and unduly "pushed" the Nissan or otherwise prevented it from coming to a safe stop."

The Director added, "Criminal liability in these cases is premised on a finding that the conduct of the officer amounted to a marked departure from the standard of care that a reasonable person would have exercised in the circumstances. On my assessment of the evidence, given the officer's decision to start and continue the pursuit, the fact that the officer was for most of the pursuit well back of the Nissan and the overall manner in which the pursuit was conducted, I am satisfied that there are no reasonable grounds to believe that the criminal standard was breached."

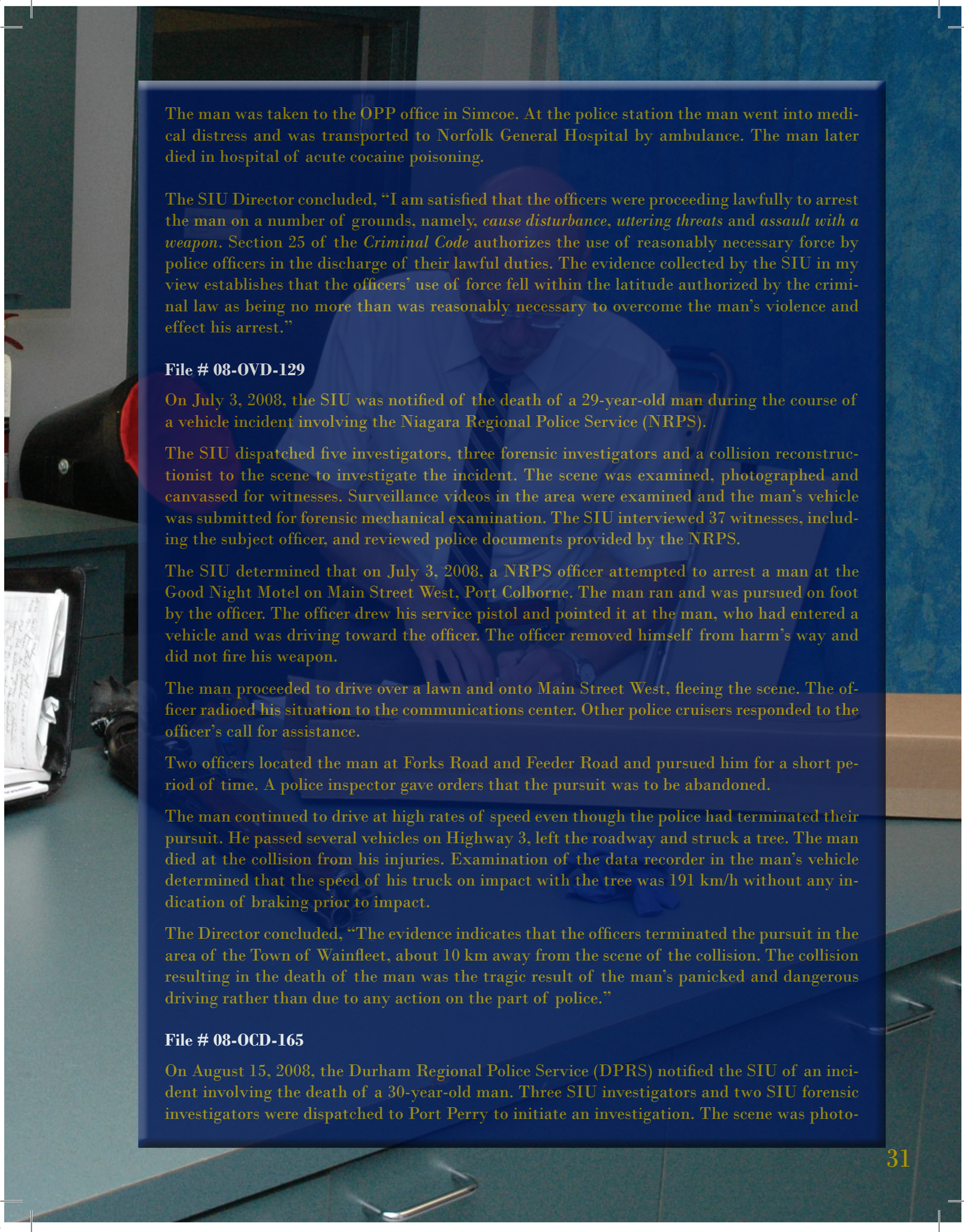
File # 08-PCD-115

Four investigators and two forensic investigators from the SIU probed the circumstances of a death that occurred on June 23, 2008. As part of the investigation, the scene was examined, videotaped and photographed, the area was canvassed for potential witnesses and evidence relevant to the incident was collected. The SIU reviewed police documents and interviewed 31 witnesses.

The investigation revealed that at 10:30 a.m. on the date in question, members of the Ontario Provincial Police (OPP) responded to a call in the area of Front Street and Fishers Glen Road, Norfolk, about a man in the area exhibiting erratic and violent behaviour. Neighbours had observed the man with a steel step in his hands, which he was using in a threatening fashion and to inflict harm upon himself.

When the first officer arrived, the man reacted by threatening the officer physically and verbally. The officer attempted via his cruiser's loudspeaker to communicate with the man in an effort to have him drop the steel step. The man did not comply; instead, he persisted to threaten the officer with violence, and tossed a piece of metal at the officer's cruiser. The man continued to harm himself and damage various objects in the area, including trees, a stop sign and a telephone junction box. For his own safety the officer decided to wait until additional officers arrived. He followed the man to the intersection of Front Road and Fishers Glen Road.

Two other officers arrived at the scene and at this time the decision was made to arrest the man. The officers circled the man and started to move in on him. The man was ordered to drop the steel step and get down on the ground. The man dropped the step. He was again ordered to lie face down on the ground but did not do so. A struggle ensued as the officers reached the man. The officers used force and were eventually able to subdue and handcuff him.



The man was taken to the OPP office in Simcoe. At the police station the man went into medical distress and was transported to Norfolk General Hospital by ambulance. The man later died in hospital of acute cocaine poisoning.

The SIU Director concluded, "I am satisfied that the officers were proceeding lawfully to arrest the man on a number of grounds, namely, *cause disturbance*, *uttering threats* and *assault with a weapon*. Section 25 of the *Criminal Code* authorizes the use of reasonably necessary force by police officers in the discharge of their lawful duties. The evidence collected by the SIU in my view establishes that the officers' use of force fell within the latitude authorized by the criminal law as being no more than was reasonably necessary to overcome the man's violence and effect his arrest."

File # 08-OVD-129

On July 3, 2008, the SIU was notified of the death of a 29-year-old man during the course of a vehicle incident involving the Niagara Regional Police Service (NRPS).

The SIU dispatched five investigators, three forensic investigators and a collision reconstructionist to the scene to investigate the incident. The scene was examined, photographed and canvassed for witnesses. Surveillance videos in the area were examined and the man's vehicle was submitted for forensic mechanical examination. The SIU interviewed 37 witnesses, including the subject officer, and reviewed police documents provided by the NRPS.

The SIU determined that on July 3, 2008, a NRPS officer attempted to arrest a man at the Good Night Motel on Main Street West, Port Colborne. The man ran and was pursued on foot by the officer. The officer drew his service pistol and pointed it at the man, who had entered a vehicle and was driving toward the officer. The officer removed himself from harm's way and did not fire his weapon.

The man proceeded to drive over a lawn and onto Main Street West, fleeing the scene. The officer radioed his situation to the communications center. Other police cruisers responded to the officer's call for assistance.

Two officers located the man at Forks Road and Feeder Road and pursued him for a short period of time. A police inspector gave orders that the pursuit was to be abandoned.

The man continued to drive at high rates of speed even though the police had terminated their pursuit. He passed several vehicles on Highway 3, left the roadway and struck a tree. The man died at the collision from his injuries. Examination of the data recorder in the man's vehicle determined that the speed of his truck on impact with the tree was 191 km/h without any indication of braking prior to impact.

The Director concluded, "The evidence indicates that the officers terminated the pursuit in the area of the Town of Wainfleet, about 10 km away from the scene of the collision. The collision resulting in the death of the man was the tragic result of the man's panicked and dangerous driving rather than due to any action on the part of police."

File # 08-OCD-165

On August 15, 2008, the Durham Regional Police Service (DPRS) notified the SIU of an incident involving the death of a 30-year-old man. Three SIU investigators and two SIU forensic investigators were dispatched to Port Perry to initiate an investigation. The scene was photo-

graphed, measured and a scale diagram prepared. An automobile used by the deceased in the incident was examined and items of police clothing and equipment were obtained for analysis. The SIU reviewed DPRS documents and interviewed four police and four civilian witnesses.

The investigation revealed that the deceased had ingested a lethal dose of cocaine and marijuana on or about August 15, 2008. He began to hallucinate, stopped his car at the property of a stranger and ran around the property, professing to be followed or chased by policemen who were not present.

The homeowner and his friend went to assist the man but the man was unresponsive. The homeowner called police, who arrived just ahead of the paramedics. The man was subdued with minimum force by the officers and handcuffed as a precaution, given the man's behaviour. Shortly thereafter, he had a series of seizures and stopped breathing. The paramedics transported the man to hospital where he was pronounced dead.

The SIU Director said, "The subject officers had the authority to apprehend the decedent under s. 17 of the *Mental Health Act* – they had reasonable grounds to believe that he was acting in a disorderly manner, had shown a lack of competence to care for himself and appeared to be suffering from a mental disorder of a nature or quality that likely would result in serious bodily harm to himself. The decedent's demise was unrelated to any actions of the subject officers. Accordingly, no criminal liability may attach to their actions."

File # 08-PVD-256

On December 3, 2008 there was a collision at Highway 11/17 and Twin City Crossroads between a police car operated by an Ontario Provincial Police officer and a car driven by an 18-year-old woman of Murillo, Ontario, resulting in the death of the woman.

Based on the results of the SIU investigation, the Director caused charges of *criminal negligence causing death*, contrary to section 220(b) of the *Criminal Code of Canada*, and *dangerous driving causing death*, contrary to section 249(4) of the *Criminal Code of Canada*, to be laid against the officer.

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

File # 08-OFD-271

On December 21, 2008, the Peel Regional Police (PRP) notified the SIU of a 25-year-old man's firearm death. The SIU assigned four investigators and three forensic investigators to probe the circumstances of the incident. As part of the investigation, the incident scene was examined and canvassed for witnesses, and officers' clothing and weapons were seized and later examined. The SIU interviewed three officers and 13 civilian witnesses. SIU investigators also employed the assistance of the Affected Persons Coordinator (see *Communications and Outreach* section of the Annual Report for further details on the Affected Persons Coordinator).

The SIU investigation determined that in the early hours of December 21, 2008, three PRP officers went to an apartment on Helene Street in Mississauga in response to a disturbance call. One officer went to speak with the person who had reported the disturbance. The other two officers contacted a man within the residence and had a conversation with him through a closed apartment door. The man told the officers that he was armed with knives, at which point both officers drew their service pistols and backed away from the apartment door. The man opened

the door and confronted the officers. He had a serrated knife in each hand with the blades pointing up. The subject officer backed away toward the south stairwell and the other officer backed up in a northerly direction. Both officers continually shouted at the man to drop the knives. Instead, the man, still in possession of the knives, approached the subject officer to the point where there was about four feet separating them. The subject officer discharged his firearm twice as the man lunged in his direction. The man was struck twice and was subsequently pronounced dead at the scene.

The SIU Director concluded, "In my view, the subject officer had the right to use lethal force under either ss. 25(3) or ss. 34(2) of *the Criminal* Code because he believed on reasonable grounds that it was necessary for his self-preservation and he had reasonable grounds to believe that he could not otherwise preserve himself from imminent death or grievous bodily harm. On the former point, he was being attacked by an aggressive individual armed with two knives who was ignoring multiple orders to disarm himself. On the latter, he was situated at the top of a landing with the stairs behind him. While it may have been possible for the subject officer to run down the stairs to escape the assault, it was not reasonable to expect the subject officer faced with this act of aggression to withdraw. As discussed in *R. v. Baxter* (1975), 27 C.C.C. (2d) 96 (Ont. C.A.), a person defending himself from an attack, reasonably apprehended, does not have to weigh to a nicety the exact measure of the response."

File # 08-OFI-274

On December 29, 2008, five SIU investigators and two SIU forensic investigators were assigned to investigate an incident involving the Ottawa Police Service (OPS) where a man and a woman were both injured by a firearm. The forensic investigators made a video and digital photographic record of the scene. They also collected physical evidence, took measurements for forensic mapping purposes and later produced a scale drawing of the scene. Biological samples were collected from both the scene and hospital. SIU investigators also reviewed OPS documents and interviewed 15 witnesses.

The SIU Affected Persons Coordinator became involved in this incident at the outset and assisted the families of the injured man and woman with several matters and made referrals to various support resources (see *Communications and Outreach* section of the Annual Report for further details on the Affected Persons Coordinator).

The SIU investigation revealed that at approximately 4:00 a.m. on December 29, 2008, two OPS officers responded to a call from an apartment building about a distraught woman. The officers entered a 12th floor apartment accompanied by two paramedics and the man who had placed the call to police. Officers asked the man to go to a nearby bedroom while the officers and paramedics attempted to calm the woman and gain control of the situation. The woman proceeded to rise from the sofa upon which she was sitting and advanced upon the subject officer with a large knife holding it in a threatening manner. She was shot in the chest by the subject officer. The bullet passed through her body, continued through the bedroom wall of the apartment and struck the man in the face. Neither the woman nor man died as a result of their injuries.

The Director concluded, "The two officers had the lawful authority to apprehend the woman under the *Mental Health Act* – they had credible information that she had made a serious suicide attempt and, accordingly, was a danger to herself. Under ss. 25(3) of the *Criminal Code*, an officer may use lethal force if she or he believes on reasonable grounds that it is necessary

for her or his self-preservation. Given the state of the woman, the aggressive stance she took with an edged weapon, the prior warnings that she ignored and the close proximity between the complainant and the subject officer, I conclude that the force used was justified in these circumstances. It was an unforeseen event that the bullet would strike an innocent bystander. The subject officer cannot be considered criminally liable for the injury to the man, given the officer's right to discharge the firearm in an attempt to stop the imminent threat of a knife attack by the woman."

File # 09-TVI-002

The Toronto Police Service (TPS) notified the SIU in January 2009 of injuries sustained by a motorist following an interaction with an officer in downtown Toronto. Six investigators, including three forensic investigators, were dispatched to interview witnesses and process the scene.

The SIU investigation revealed that on the evening of January 3, 2009, a TPS officer attempted to stop a reportedly stolen car in the area of Yonge Street and Dundas Street. The officer activated the emergency equipment on his police car, but the driver of the car did not stop. The officer followed the car along Dundas Street until it was held up by heavy traffic at University Avenue. The officer got out of his police car, approached the vehicle and ordered the driver, a 42-year-old male, to get out. Instead of complying, the man drove the car back and forth. A number of citizens' vehicles were struck during this process. The man was able to emerge from the traffic and began to drive away. The officer was dragged a short distance by the car before he fell to the pavement and sustained minor injuries.

The man drove south on University Avenue, but lost control of the car in the area of Queen Street. The car struck a concrete planter in the boulevard. The driver sustained a broken leg in the crash.

The Director of the SIU concluded, "There are no reasonable grounds to believe that the officer involved in this matter committed a criminal offence in relation to the motor vehicle accident. The officer was attempting to apprehend the man, who was reportedly driving a stolen car. The man did not comply with the officer's demand to leave the car and attempted to escape, ultimately crashing the vehicle into a cement planter on the University Avenue boulevard, fracturing his leg in the process. The man chose to ignore the officer's lawful demands and injured himself in the ensuing flight. I am satisfied on reasonable grounds that the officer cannot be held criminally liable for the injuries in question."

Communications and Outreach

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

General Outreach to the Public and the Police

Identifying strategic opportunities to reach out to the more than 12 million residents of Ontario is an ongoing challenge. The Unit's outreach program is carried out by staff from all levels of the organization and includes meetings with secondary and post-secondary students, community organizations and other interested audiences at conferences and various public venues. In addition, the SIU Director's Resource Committee (DRC) met during the year. Established in 2002, the DRC continues to bring community representatives together with the Director to discuss matters of mutual interest relating to the work of the Unit. This year SIU staff participated in 67 meetings and presentations across Ontario to a variety of groups, 14% more than the year before.

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



Outreach Presentations

(Some listings represent multiple presentations during the year)

Location	Event
Brockville	- Law and Security Course St. Lawrence College
Ottawa	- Algonquin College - Association of Municipalities of Ontario Annual Conference
Toronto	- Toronto Community Housing - Osgoode Hall Law School students - OCASI - Ontario Council of Agencies Serving Immigrants - SOLE Alternative School - University of Toronto Forensic Identification Course - Burnhamthorpe Collegiate - Humber College - Police Association of Ontario (PAO) Police Employment Conference
Oakville	- Sheridan College - Oakville – Trafalgar High School
Perth	- Perth Police Service
St. Thomas	- Kiwanis Club
Kitchener	- Conestoga College - Kitchener- Waterloo-YMCA Immigrant Settlement/Adaptation Program
Aylmer	- Ontario Police College Media Officers Course and Front Line Supervisors Course
Mississauga	- Peel Regional Police - University of Toronto, Erindale Campus
Orillia	- Georgian College - Ontario Provincial Police - Adjudicators Course and Annual Seminar - Harvard Associates of Police Science
Sudbury	- Greater Sudbury Police Service
Barrie	- Barrie Police Service - Georgian College
Alliston	- Ministry of Natural Resources
Regina, Saskatchewan	- Canadian Association for Civilian Oversight of Law Enforcement
Vancouver, B.C.	- CBC Vancouver Radio Talk Show “On the Coast”



Left to right, former SIU Director James Cornish, Grand Council Chief Randall Phillips (Association of Iroquois & Allied Indians) and SIU Investigator Dean Seymour, during Chief Phillips' attendance at the Unit in September 2008. Chief Phillips had requested a meeting with SIU officials to learn more about the SIU's FNL program.

First Nations Liaison Program

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

FNL outreach to Aboriginal groups:

- Association of Iroquois & Allied Indians
- Union of Ontario Indians
- Circle River First Nations
- Nishnawble-Aski Police Service
- Six Nations Police

The core of the work of the FNL program relates to investigations. In 2008-09, the program was actively engaged in 11 cases that involved a person of First Nations heritage. In most instances, SIU investigators trained in the program led the investigations. In other cases, they were instrumental in various aspects of the investigations, such as interviewing witnesses.

The program is also active in the Unit's broader outreach mission and its internal training agenda. On the training front, it helped to organize the attendance of Grand Council Chief John Beaucage of the Union of Ontario Indians at an internal training seminar in September 2008.

Affected Persons Services

Creating the Affected Persons Coordinator (APC) position has helped the SIU to improve its ability to respond to the needs of those persons impacted by the incidents the Unit investigates. The SIU established the position in 2006. The APC liaises with SIU investigators to offer assistance to complainants or families and to support them through the investigative process and thereafter. The coordinator assesses the needs of affected persons and, should the individuals wish, refers them to a range of services such as short-term crisis and grief counseling. The coordinator also relays questions and answers to and from the investigators that are not case related. The services of the APC are available 24 hours a day, seven days a week.

In some cases, the APC may go beyond assisting the affected persons in dealing with the immediate after-effects of the incident in which the SIU was involved. The coordinator may refer individuals to longer-term resources such as counseling, support groups, and drug and alcohol rehabilitation programs.

The APC also participates in public education and outreach activities to community groups, including mental health organizations and Victim's Services Units. This enables the SIU to connect with intake workers to provide information on the role and mandate of its Affected Persons service.

In 2008-09, the APC was involved in a total of 62 investigations, including 12 sexual assault complaints, 20 custody deaths, 17 custody injuries and 2 firearm deaths.

Media Relations

Record high caseloads continued to challenge the Unit in the area of media relations. When practical, the SIU's Communications Coordinator, the Unit's primary spokesperson with overall responsibility for media relations, will either respond to the media at the scenes of major events or work out of the SIU's headquarters to respond to media requests for follow-up interviews and ongoing progress reports during the course of an investigation.

In order to maintain its timely response to news organizations on a '24/7' basis, and in particular to those outside of the Greater Toronto Area, the SIU has provided media training to lead investigators and supervisors so that they are able to address the media initially while at the scenes of major occurrences. The increased availability of SIU representatives to respond to media inquiries has enhanced media coverage of SIU activity and improved the media's understanding of the agency's investigative processes.

Connecting with the World of Civilian Oversight at Home and Abroad

The SIU continues to be an active member of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE). CACOLE is the umbrella group bringing together individuals and organizations engaged or otherwise interested in the work of civilian oversight of law enforcement across Canada. This year, a four-person contingent from the SIU attended CACOLE's annual conference held in Regina, Saskatchewan, where national and international delegates gathered to consider topics around the theme of *Best Practices and Other Lessons in Oversight*.

On the home front, the SIU further developed its relationship with the Office of the Independent Police Review Director (OIPRD) in Ontario. Established in May 2007, following recommendations contained in the *Report on the Police Complaints System in Ontario* issued by the Honourable Patrick LeSage, Q.C., the OIPRD will, once operational, assume primary jurisdiction for managing public complaints made against police officers. These complaints are presently made to police services. While the OIPRD's mandate does not change the jurisdiction of the Unit (all instances of serious injury and death in cases involving the police will still be investigated by the SIU), a host of operational issues between the two agencies will emerge once the OIPRD is up and running. For this reason officials from both offices continued to meet throughout the year to get ahead of these issues. Discussions focused on information sharing and interagency coordination during the course of mutual investigations. The two offices also explored ways to pool their outreach resources by, for example, meeting jointly with community groups and representatives. The OIPRD is scheduled to open its doors to receive complaints in the latter part of 2009.

The SIU continues to be recognized as a progressive model of police accountability around the world. In May 2008, Assistant Commissioner Marvin Danes of the Royal Bahamas Police Service paid a visit to the office to explore how the Unit conducts its business. Commissioner Danes was in the country at the time studying policing methods and oversight systems in Canada. He was received by the Unit's Director and spent his time speaking with staff and touring the facilities.



Assistant Commissioner Marvin Danes of the Royal Bahamas Police Service , left, with former Director James Cornish, during a visit to the SIU in May 2008.

Training

Supported by the Learning and Development Team, an offshoot of the Unit's Balanced Scorecard efforts, the SIU's Training Coordinator is responsible for managing the Unit's training program. Guided by the agency's *vision, mission and values* statement, training at the Unit during the year centred on effective communication and leadership skills.

The Unit made significant progress during the year in improving the ways in which training initiatives are delivered to its staff. Much of the Unit's training content is available from the Ontario Public Service via the government's intranet site. However, because many of the Unit's investigators work away from the office's headquarters, they would have to attend government offices to access this content through secure computer portals. With the introduction in the year of Public Key Infrastructure certification, off-site investigators are now able to access this material from their own internet connections at home. This technology has facilitated the delivery of training and opened the door for all SIU staff to a wider range of learning opportunities.

Management

Significant steps were also taken to *train the trainers*. The Unit's management team attended sessions on developing employee learning and performance plans. The objective was to hone the ability of frontline supervisors to identify training opportunities that are responsive to the professional growth of individual staff members

Administration

As information technologies continue to advance, the administrative team remained committed to staying ahead of the curve through dedicated training. As in prior years, the team relied heavily on courses offered by the Ontario Public Service through the Centre for Leadership and Learning for their training needs.

Forensic Identification Services

The Ontario Police College (OPC) once again featured prominently in the Unit's training program for its identification investigators. Aside from the OPC, there were a number of noteworthy internal collaborations such as the Reconstructionist Forum facilitated by the Unit in April 2008, which focused on peer review processes related to identification work product.

Investigations

The Ontario Police College and the Centre for Leadership and Learning delivered the bulk of the Unit's external investigative training to staff.

Internally, investigators attended three multi-day training seminars during the year, where topics ranged from investigative best practices, health and wellness, to cultural sensitivity.

2008-09 Investigative and Forensic Identification Training

Course / Workshop	External Provider
Aboriginal and First Nations Awareness (Online)	Canadian Police Knowledge Network
AED/CPR/First Aid Training (Cardiac SafeCity Program)	Toronto Emergency Medical Services
Basic Bloodstain Pattern Recognition Course	Ontario Police College
Conflict Management	Centre for Leadership and Learning
DNA Databank Sample Collection and Warrant Course	Ontario Police College
Engaging the Community	Richard Ivey School of Business
Excited Delirium: A Multi-Jurisdictional Approach	Canadian Centre for the Prevention of In-Custody Deaths
Facilitation Skills – Basics	Centre for Leadership and Learning
Front Line Supervisor Course	Ontario Police College
General Investigative Techniques (Blended Learning)	Ontario Police College
Homicide Course	Ontario Crown Attorneys' Association
Homicide Workshop	Ontario Homicide Investigators Association
Investigative Interviewing	Ontario Police College
Plain Language (Online)	Centre for Leadership and Learning
Recognition Matters Showcase	Centre for Leadership and Learning
Search Warrant Course	Ontario Police College
Sexual Assault Investigation	Ontario Police College
Firearms Identification for Public Agents	Canadian Police Knowledge Network

Investigative and Forensic Training Facilitated by Unit Personnel

- Blackberry Tutorial
- IFIS I-Expenses
- Notebook Maintenance and Requirements
- Peer Case Reviews
- SIU Callout Procedure

Investigators Training Seminars (ITS)

- Amendment to Operational Policy #003
- Blackberry Tutorial
- Cultural Diversity – Muslim and Anishnabek Communities
- Interviewing Adolescents
- Mobile IT Security
- Notebook Maintenance and Requirements
- Peer Case Reviews
- Workplace Discrimination and Harassment Policy Refresher

Administrative Training

- Advanced CPIC Query (Online prerequisite, Canadian Police Knowledge Network)
- Advanced CPIC Query (OPC)
- IFIS Salary Forecasting
- IFIS Cost Centre Forecasting
- Information Privacy and Security Classification (CFLL)
- Outlook 2003 Training
- Showcase Ontario (OPS Learning and Development)
- Suspicious Package Training (OPS)

Affected Persons Coordinator Training

- Methadone Summit 2008

Management Training

- Balanced Scorecard Leadership Workshop
- Change Management for Managers (CFLL)
- Critical Infrastructure and Life Safety – Ontario Association of Chiefs of Police
- Fast Forward – Outlook on the Future OPS
- Labour Relations in the OPS
- Local Registration Authority Training for CPIC
- Leadership Foundations Program (OPS)
- Leading vs. Managing: Understanding the Difference Is Your Key to Success - Institute for Management Studies (IMS)
- Organizational Savvy: Increasing Your Influence and Impact (IMS)

Training Coordinator Training

- Aboriginal and First Nations Awareness (Canadian Police Knowledge Network)
- Kirkpatrick's Four Levels of Evaluation (Canadian Society of Training and Development)
- Showcase Ontario (OPS)
- Successfully Mentoring Individuals and Teams (Schulich School of Business)

Human Resources

The Organization

At the end of the 2008-09 fiscal year, the SIU had 80 members on staff.



Recruitment

During the year, the SIU filled four classified investigator positions and added 10 new individuals to its complement of off-site investigators.

Investigator – Emily Watson

This year, there has been significant advancement at the SIU by the addition of entry level investigator positions to complement the existing pool of highly experienced investigators. The tiering of the investigator positions has provided an increased opportunity for internal growth and development. It has enhanced the ability of the SIU to seek people from varied backgrounds to further augment the skill base and diversity of the investigative staff.

I started as an investigator at the SIU late in 2007 and was hired as one of the new entry level investigators in early 2009. My experience as both a lawyer and social worker has taught me the importance of being detailed, open-minded, conscientious, and fair. Working as an investigator at the SIU has enabled me to develop these qualities, while drawing upon my past professional experiences. I was attracted to this position as a means of combining my interests and skills. I have had the opportunity to both train under and work alongside many skilled investigators as a result of my position.

I feel that the role of the SIU as a civilian oversight body is fundamental to upholding public confidence in policing. The SIU works hard to fulfill this role through conducting thorough and objective investigations with professionalism. I am privileged to be part of this endeavor

Financial Expenditures

Original Budget for 2008 2009 was $6,758,100
Final Budget for 2008 2009 was $7,966,674
Total annual expenditures for the year ended March 31, 2009 were $7,966,674.

2008-2009 Expenditures		% of Final Budget	% of Original budget
Salaries and Wages	$5,539,686	70%	82%
Benefits	$606,186	8%	9%
Transportation and Communication	$626,953	8%	9%
Services	$370,248	5%	5%
Supplies and Equipment	$823,601	10%	12%
TOTAL	$7,966,674	100%	117%

Expenditures by Section		
Investigative Services*	$4,808,696	60%
Forensic Identification Services*	$1,511,152	19%
Office of the Director	$631,764	8%
Administrative Services	$635,706	8%
Communications	$222,412	3%
Outreach	$26,579	0.33%
Affected Persons	$44,475	0.56%
First Nations Liaison	$1,187	0.01%
Training Services	$84,703	1%
TOTAL	$7,966,674	100%

Expenditures related to training in 2008 2009 were 4.41% of the SIU's total budget

Training Expenditures		
Investigative Services	$183,160	52%
Identification Services	$65,383	19%
Office of the Director	$18,078	5%
Administrative Services	$327	0%
Training Coordination	$84,703	24%
TOTAL	$351,651	100%

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

During fiscal 2008-09, the SIU encountered significant financial pressures due to workload issues caused by:

- increased caseload; and
- the Ombudsman response.



Part Three



Looking Forward

For the next fiscal year, 2009-10, there are three major issues impacting the ability of the SIU to conduct thorough and independent investigations which the Unit will explore. They are the independence of police officers' notes, the definition of "serious injuries" used throughout the province and the development of a protocol with police agencies to address apparent breaches of the "duty to co-operate" provision of the *Police Services Act* and the associated regulations. As well, it is anticipated that there will be some personnel changes which will increase both the Unit's profile and its efficiency.

Independence of Police Officers' Notes

A theme that emerged in SIU investigations during 2008-09 was the interposition of a police association lawyer between the incident itself and the writing of the notes of the involved officers.

A police officer's notes are designed to be a contemporaneous and independent accounting of material facts. In a majority of investigations, most of the important witnesses are police officers. Their subsequent interviews and testimony are based upon the accuracy of those notes. Police officers are taught the importance of the independence of notes during their basic training in the evidence course at the Ontario Police College. Further, the value of the notes' independence is stressed in the jurisprudence in cases like *R. v. Barrett* (1993) 82 C.C.C. (3d) (Ont. C.A.) and *R. v. McKinnon*, [2004] O.J. 5021 (S.C.J.).

Commissioner Salhany in his recent report on police misconduct in Manitoba entitled *Report on the Taman Inquiry*, which led to the establishment of an independent investigative agency in that province, had the opportunity to comment on the preparation of police officers' notes and said the following:

> *The proper practice is for each officer to make his or her own independent set of notes. When officers collaborate in preparing notes, there is a serious risk that one officer may unconsciously supplement something from the other officer's recollection which he or she never observed. If it is then written down in the officer's notebook to be used to refresh his or her memory, it will become part of the officer's recollection even though he or she never saw it. Once combined memories are committed to a uniform set of notes, each officer will later refresh his or her memory as to an event that they never saw.*

In a number of SIU cases, a police association lawyer is giving advice to all of the involved officers before the officers have written up their notes. Pursuant to the Law Society of Upper Canada's *Rules of Professional Conduct*, where a lawyer accepts employment from one or more clients, "no information received in connection with the matter from one can be treated as confidential so far as the others are concerned." In other words, given the duty of loyalty the lawyer owes to each client, she or he cannot keep confidential information received from one client when advising another client.

Interposing of a lawyer between an incident and the writing of notes for more than one involved officer has a potential negative effect on the integrity of an officer's notes. It really is another form of collaborating or conferring in the preparation of notes, a practice that has been frowned upon in the case law in Ontario. Having a lawyer involved could lead to even more inaccuracies than officers conferring directly because the information is flowing through a third party, leading to the risk of error in the transmitting of information.

These issues are being noted in the Director's reporting letters to chiefs of police and the Commissioner of the Ontario Provincial Police, and the Unit is asking for written responses from police services once they have looked into the matters. The Director will be making a presentation to the Toronto Police Services Board on this issue in May 2009.

Definition of "Serious Injury"

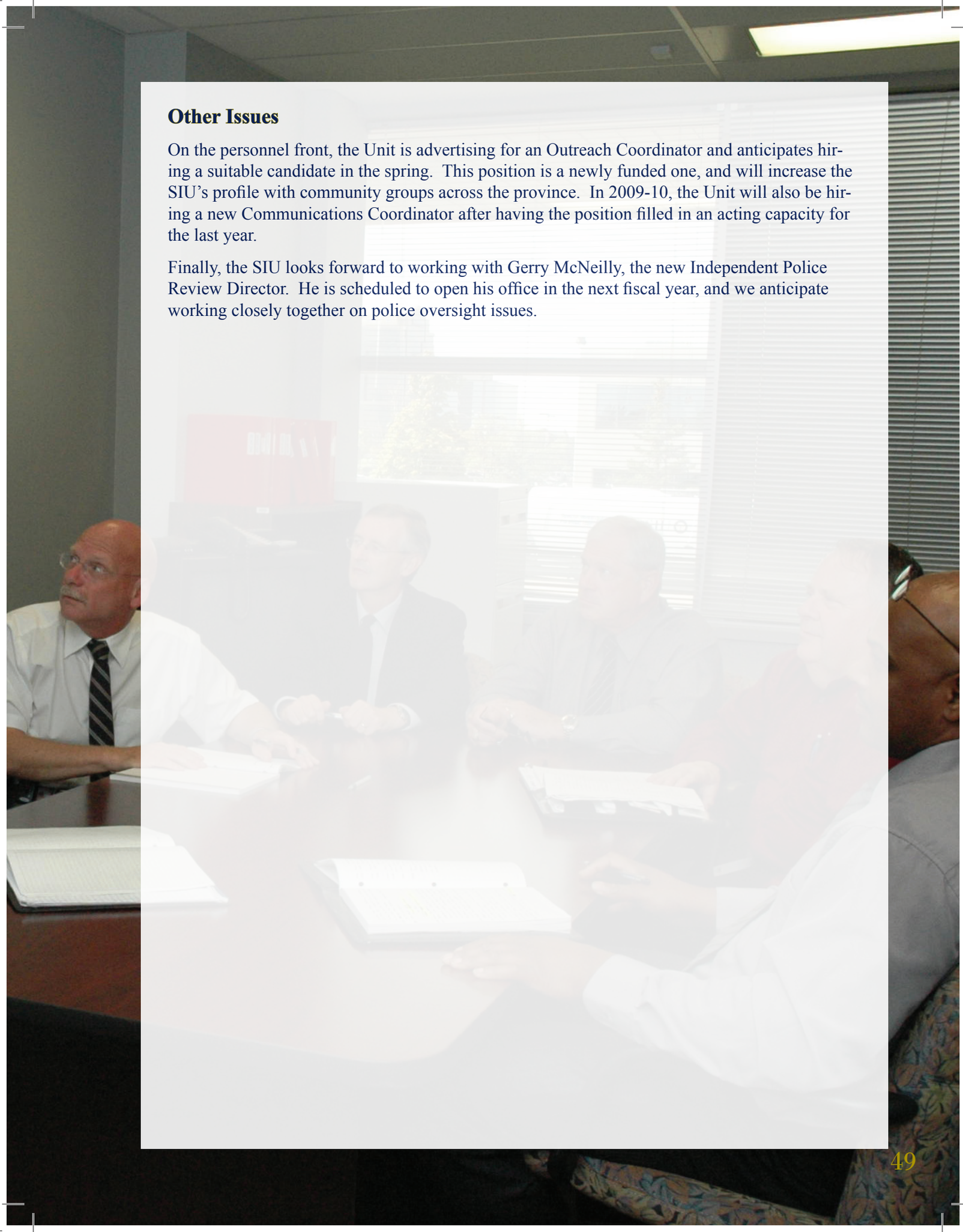
The problems associated with the definition of "serious injury" are discussed in the *Current and Emerging Issues* section of the Annual Report. Contrary to the Unit's understanding over the last four years, police services across the province have not uniformly adopted the *Osler* definition of "serious injuries". The Unit will be raising this issue with the Ontario Association of Chiefs of Police and the Ontario Provincial Police. Further, it intends to approach the Ministry of the Attorney General seeking an amendment to regulations to the *Police Services Act* incorporating the *Osler* definition of "serious injuries" to ensure a uniform application of the law throughout the province. In the meantime, the Unit will continue to use the *Osler* definition of "serious injuries" in determining its investigative mandate.

Developing a Protocol with Police Agencies

Whenever an incident occurs in which the SIU mandate is invoked, the Director has a statutory duty to write a reporting letter to the Attorney General. If charges are not laid, the Director writes to the chief of police or the Commissioner of the Ontario Provincial Police, as the case may be, informing her or him of this fact. This triggers what is commonly referred to as a *section 11* investigation. Pursuant to section 11 of Ontario Regulation 673/98, the affected chief of police or OPP Commissioner shall cause an investigation to be undertaken and prepare a report reviewing its policies and conduct.

The Director documents apparent breaches of the "duty to co-operate" provision of the *Police Services Act* and the related regulations in the reporting letter to the affected chief of police or OPP Commissioner. Since December 2008, the Unit has adopted the practice of asking for written response to these matters.

As the fiscal year drew to a close, the Unit learned of a minute from a committee of the Ontario Association of Chiefs of Police from March 2009 which stated, "The SIU Committee strongly urges police chiefs not to respond to these letters." While it is too early to appreciate the impact of this position on the chiefs throughout the province, the Unit remains optimistic that police agencies will dialogue by way of correspondence with the Unit notwithstanding the position taken by the OACP committee.



Other Issues

On the personnel front, the Unit is advertising for an Outreach Coordinator and anticipates hiring a suitable candidate in the spring. This position is a newly funded one, and will increase the SIU's profile with community groups across the province. In 2009-10, the Unit will also be hiring a new Communications Coordinator after having the position filled in an acting capacity for the last year.

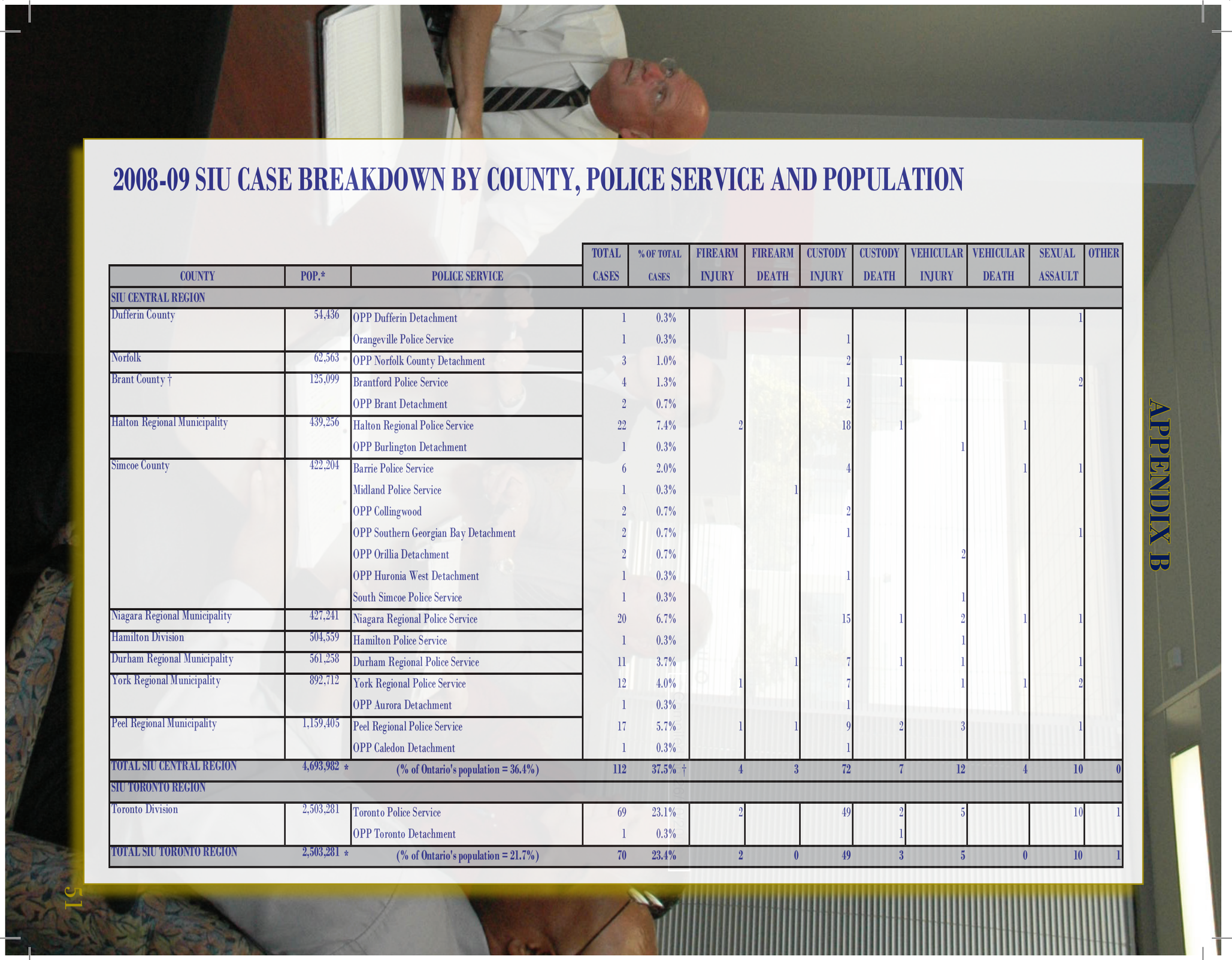
Finally, the SIU looks forward to working with Gerry McNeilly, the new Independent Police Review Director. He is scheduled to open his office in the next fiscal year, and we anticipate working closely together on police oversight issues.

SIU Occurrences by Fiscal Year

Types of Occurrences	1998 to 1999	1999 to 2000	2000 to 2001	2001 to 2002	2002 to 2003	2003 to 2004	2004 to 2005	2005 to 2006	2006 to 2007	2007 to 2008	2008 to 2009
Firearm Deaths	1	3	5	4	1	2	8	8	6	7	4
Firearm Injuries	9	8	8	5	9	8	4	10	11	14	10
Custody Deaths	18	21	18	19	17	26	15	22	35	21	27
Custody Injuries	65	60	85	75	86	90	58	107	129	124	182
Other Injuries/Deaths	n/a	1	2	1	1	0	2	0	0	1	2
Vehicle Deaths	12	10	8	12	7	9	9	9	5	9	7
Vehicle Injuries	64	43	36	31	21	41	30	25	28	29	33
Sexual Assaults	11	10	15	15	9	16	11	23	24	41	34
Totals	**180**	**156**	**177**	**162**	**151**	**192**	**137**	**204**	**238**	**246**	**299**
Number of cases in which charges laid *	3 (6)	6 (6)	5 (9)	4 (5)	4	2	3 (4)	4 (4)	2(2)	7(10)	4

* Counted as year charge laid regardless of when incident reported

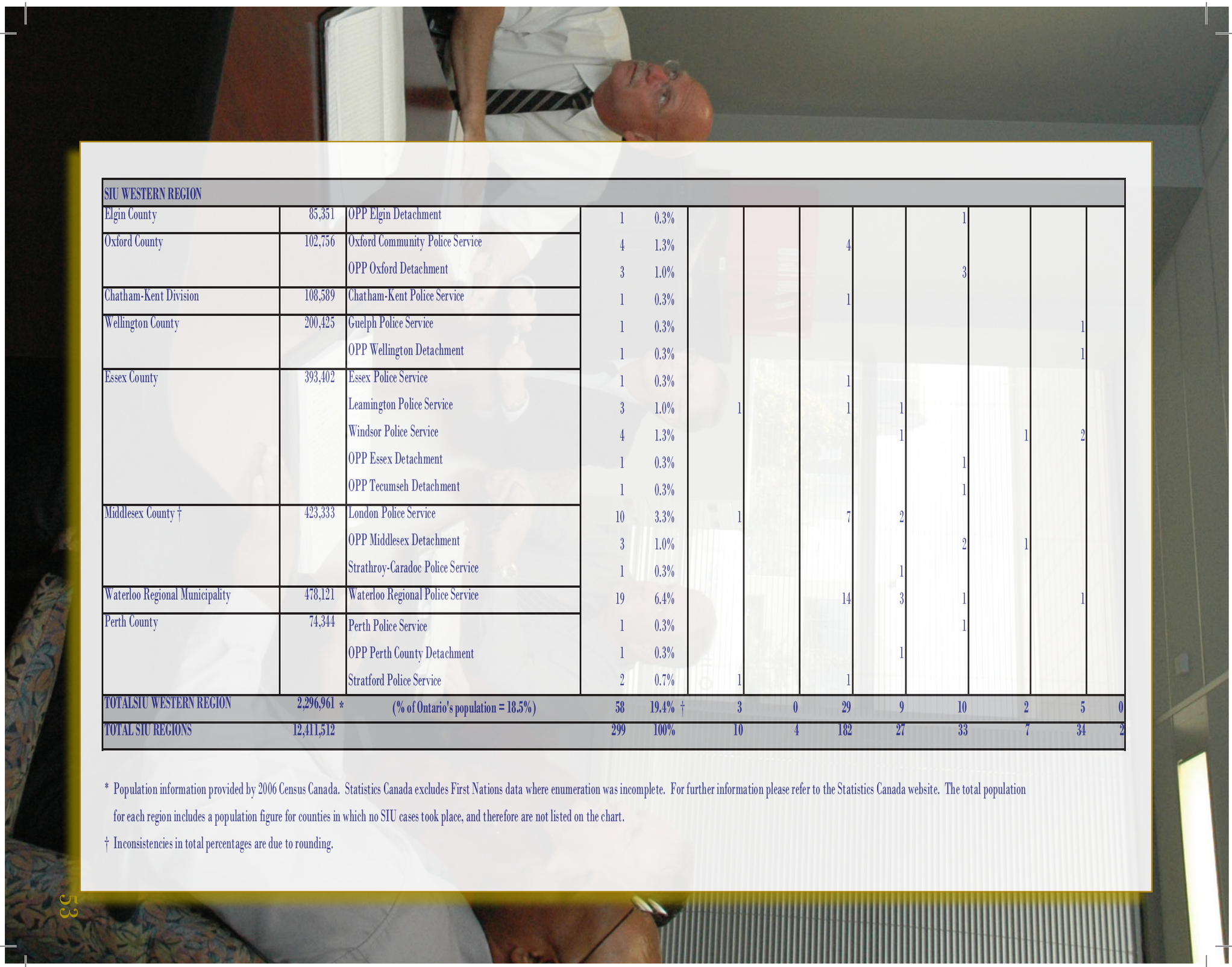
* Number of officers charged in brackets



2008-09 SIU CASE BREAKDOWN BY COUNTY, POLICE SERVICE AND POPULATION

COUNTY	POP.*	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURY	FIREARM DEATH	CUSTODY INJURY	CUSTODY DEATH	VEHICULAR INJURY	VEHICULAR DEATH	SEXUAL ASSAULT	OTHER
SIU CENTRAL REGION												
Dufferin County	54,436	OPP Dufferin Detachment	1	0.3%							1	
		Orangeville Police Service	1	0.3%			1					
Norfolk	62,563	OPP Norfolk County Detachment	3	1.0%			2	1				
Brant County †	125,099	Brantford Police Service	4	1.3%			1	1			2	
		OPP Brant Detachment	2	0.7%			2					
Halton Regional Municipality	439,256	Halton Regional Police Service	22	7.4%	2		18	1		1		
		OPP Burlington Detachment	1	0.3%					1			
Simcoe County	422,204	Barrie Police Service	6	2.0%			4			1	1	
		Midland Police Service	1	0.3%		1						
		OPP Collingwood	2	0.7%			2					
		OPP Southern Georgian Bay Detachment	2	0.7%			1				1	
		OPP Orillia Detachment	2	0.7%					2			
		OPP Huronia West Detachment	1	0.3%			1					
		South Simcoe Police Service	1	0.3%					1			
Niagara Regional Municipality	427,241	Niagara Regional Police Service	20	6.7%			15	1	2	1	1	
Hamilton Division	504,559	Hamilton Police Service	1	0.3%					1			
Durham Regional Municipality	561,258	Durham Regional Police Service	11	3.7%		1	7	1	1		1	
York Regional Municipality	892,712	York Regional Police Service	12	4.0%	1		7		1	1	2	
		OPP Aurora Detachment	1	0.3%			1					
Peel Regional Municipality	1,159,405	Peel Regional Police Service	17	5.7%	1	1	9	2	3		1	
		OPP Caledon Detachment	1	0.3%			1					
TOTAL SIU CENTRAL REGION	**4,693,982 ***	**(% of Ontario's population = 36.4%)**	**112**	**37.5% †**	**4**	**3**	**72**	**7**	**12**	**4**	**10**	**0**
SIU TORONTO REGION												
Toronto Division	2,503,281	Toronto Police Service	69	23.1%	2		49	2	5		10	1
		OPP Toronto Detachment	1	0.3%				1				
TOTAL SIU TORONTO REGION	**2,503,281 ***	**(% of Ontario's population = 21.7%)**	**70**	**23.4%**	**2**	**0**	**49**	**3**	**5**	**0**	**10**	**1**

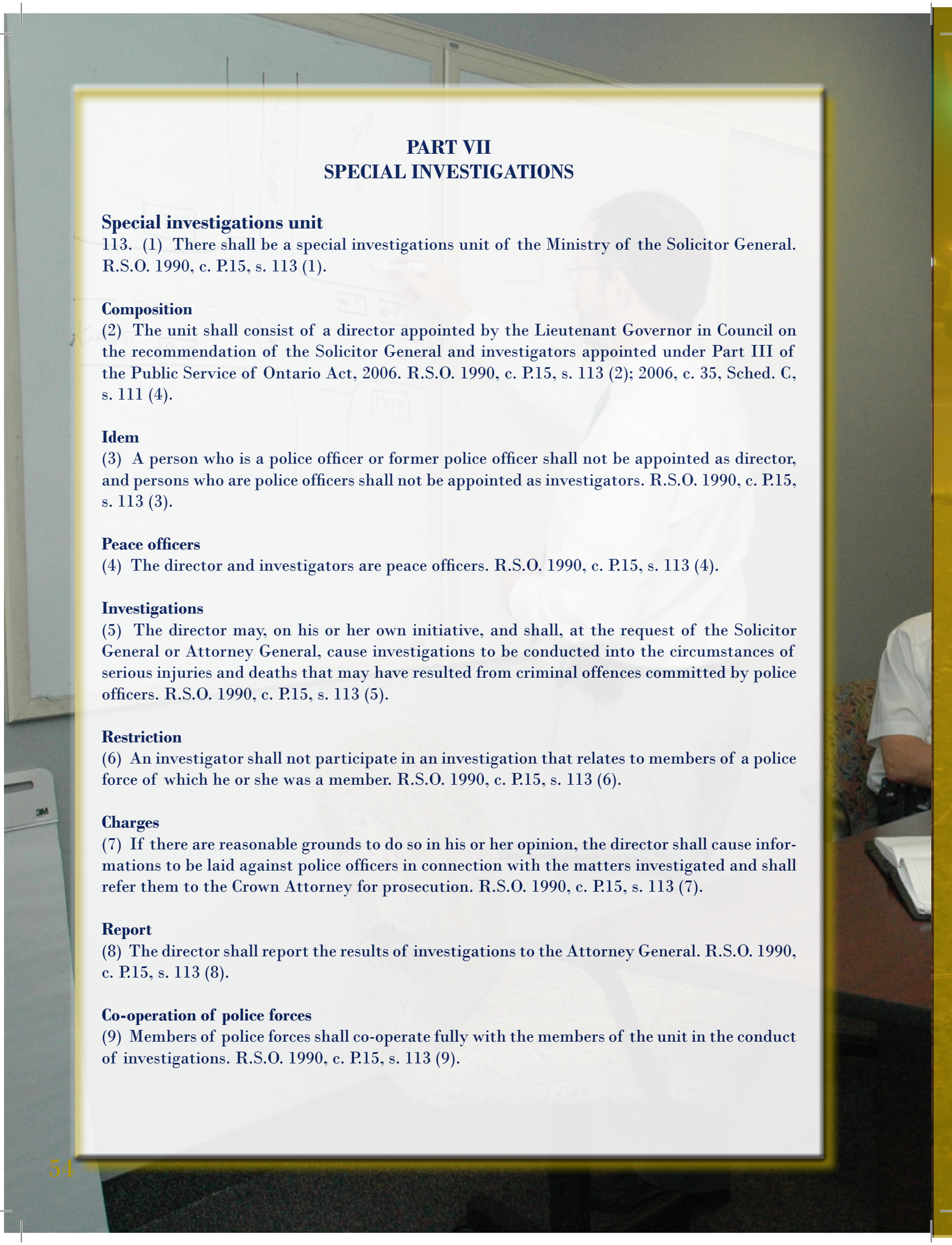
SIU EASTERN REGION													
Prince Edward Division	25,496	Belleville Police Service	3	1.0%			2		1				
		OPP Prince Edward Detachment	1	0.3%			1						
Lanark County		Smiths Falls Police Service	1	0.3%			1						
Leeds and Grenville United Counties	99,206	Brockville Police Service	1	0.3%			1						
		OPP Grenville County Detachment	1	0.3%				1					
Stormont, Dundas and Glengarry United Counties †	110,399	Cornwall Police Service	1	0.3%							1		
		OPP Stormont, Dundas & Glengarry Detachment	1	0.3%				1					
Hastings County †	130,474	OPP Bancroft Detachment	1	0.3%							1		
		OPP Quinte West Detachment	2	0.7%			2						
Frontenac County	143,865	Kingston Police Service	1	0.3%									1
Ottawa Division	812,129	Ottawa Police Service	13	4.3%	1	1	7	2	1		1		
		OPP Upper Ottawa Detachment	1	0.3%			1						
Kawartha Lakes Division	74,561	City of Kawartha Police Service	3	1.0%			2	1					
Northumberland County	80,693	OPP Cobourg Detachment	1	0.3%							1		
		Port Hope Police Service	2	0.7%			1	1					
Peterborough County	133,080	Peterborough-Lakefield Community Police Service	2	0.7%					1		1		
		OPP Peterborough County Detachment	2	0.7%			1		1				
TOTAL SIU EASTERN REGION	**1,988,799 ***	**(% of Ontario's population = 16.0%)**	**37**	**12.4% †**	**1**	**1**	**19**	**6**	**4**	**0**	**5**	**1**	
SIU NORTHERN REGION													
Parry Sound District	40,918	OPP West Parry Sound Detachment	1	0.3%				1					
Timiskaming District	33,283	OPP Temiskaming Detachment	1	0.3%							1		
		OPP Sioux Lookout Detachment	1	0.3%			1						
Nipissing District †	84,688	OPP North Bay Detachment	1	0.3%			1						
Cochrane District †	82,503	OPP Cochrane Detachment	1	0.3%				1					
		Timmins Police Service	3	1.0%			3						
Algoma District †	117,461	Sault Ste. Marie Police Service	2	0.7%			2						
Thunder Bay District †	149,063	Thunder Bay Police Service	5	1.7%			3				2		
		OPP Marathon Detachment	3	1.0%					2		1		
		OPP Thunder Bay Detachment	1	0.3%						1			
Greater Sudbury Division	157,857	Greater Sudbury Police Service	3	1.0%			3						
TOTAL SIU NORTHERN REGION	**928,489 ***	**(% of Ontario's population = 7.4%)**	**22**	**7.4% †**	**0**	**0**	**13**	**2**	**2**	**1**	**4**	**0**	



SIU WESTERN REGION													
Elgin County	85,351	OPP Elgin Detachment	1	0.3%					1				
Oxford County	102,756	Oxford Community Police Service	4	1.3%			4						
		OPP Oxford Detachment	3	1.0%					3				
Chatham-Kent Division	108,589	Chatham-Kent Police Service	1	0.3%			1						
Wellington County	200,425	Guelph Police Service	1	0.3%								1	
		OPP Wellington Detachment	1	0.3%								1	
Essex County	393,402	Essex Police Service	1	0.3%			1						
		Leamington Police Service	3	1.0%	1		1	1					
		Windsor Police Service	4	1.3%				1			1	2	
		OPP Essex Detachment	1	0.3%					1				
		OPP Tecumseh Detachment	1	0.3%					1				
Middlesex County †	423,333	London Police Service	10	3.3%	1		7	2					
		OPP Middlesex Detachment	3	1.0%					2		1		
		Strathroy-Caradoc Police Service	1	0.3%				1					
Waterloo Regional Municipality	478,121	Waterloo Regional Police Service	19	6.4%			14	3	1			1	
Perth County	74,344	Perth Police Service	1	0.3%					1				
		OPP Perth County Detachment	1	0.3%				1					
		Stratford Police Service	2	0.7%	1		1						
TOTALSIU WESTERN REGION	**2,296,961** *	**(% of Ontario's population = 18.5%)**	**58**	**19.4%** †	**3**	**0**	**29**	**9**	**10**	**2**	**5**	**0**	
TOTAL SIU REGIONS	**12,411,512**		**299**	**100%**	**10**	**4**	**182**	**27**	**33**	**7**	**34**	**2**	

* Population information provided by 2006 Census Canada. Statistics Canada excludes First Nations data where enumeration was incomplete. For further information please refer to the Statistics Canada website. The total population for each region includes a population figure for counties in which no SIU cases took place, and therefore are not listed on the chart.

† Inconsistencies in total percentages are due to rounding.



PART VII
SPECIAL INVESTIGATIONS

Special investigations unit

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

Composition

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

Idem

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

Peace officers

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

Investigations

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

Restriction

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

Charges

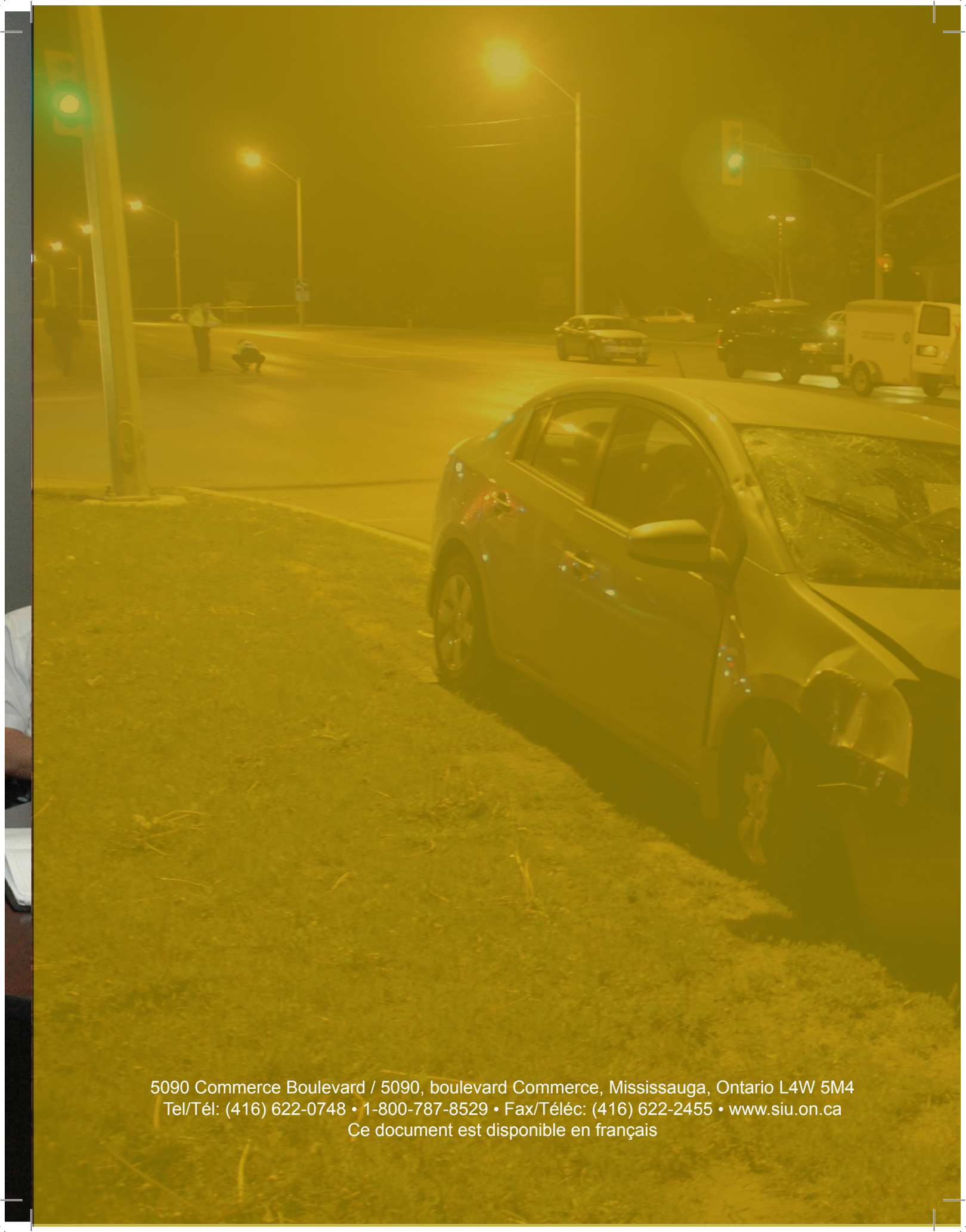
(7) If there are reasonable grounds to do so in his or her opinion, the director shall cause informations to be laid against police officers in connection with the matters investigated and shall refer them to the Crown Attorney for prosecution. R.S.O. 1990, c. P.15, s. 113 (7).

Report

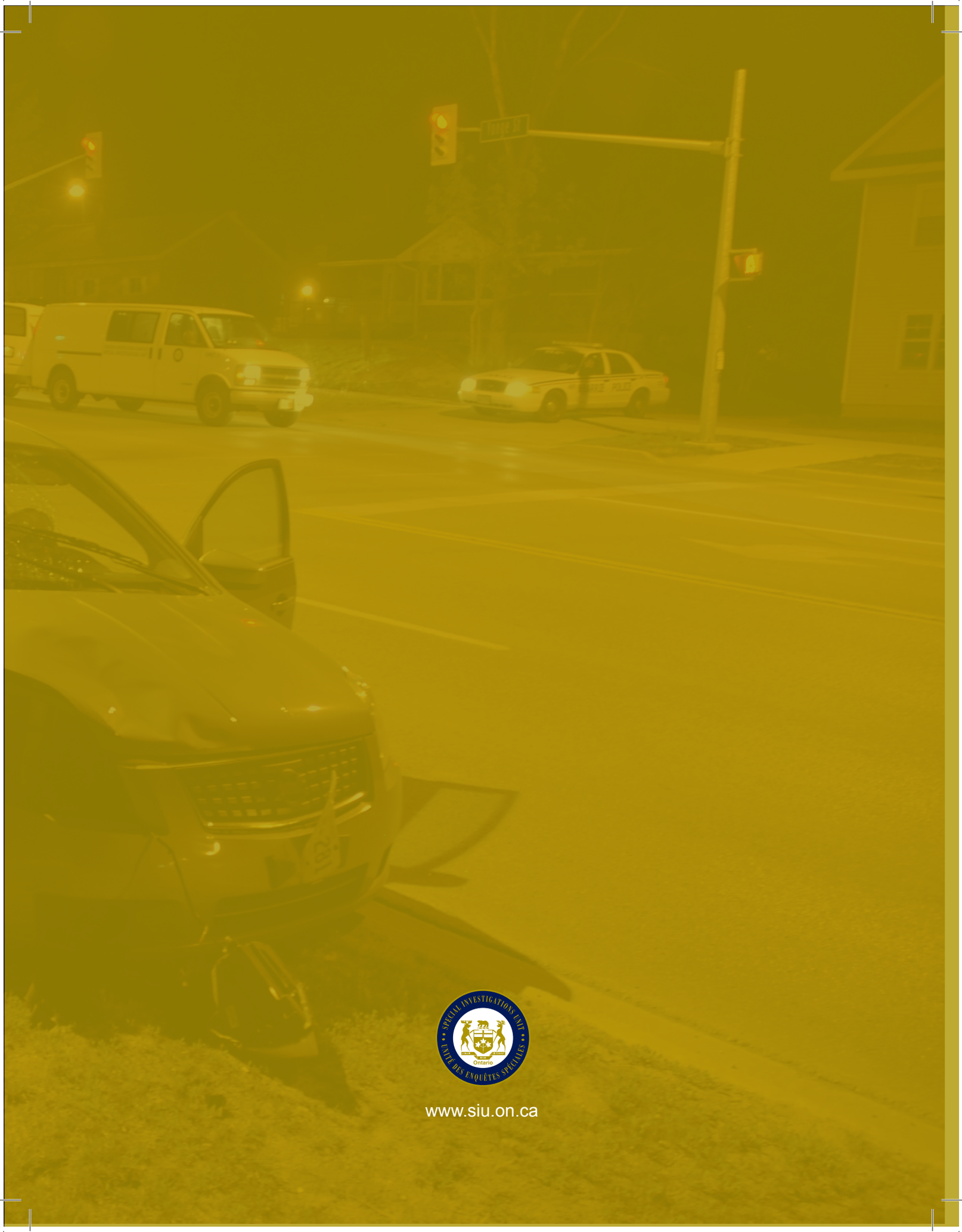
(8) The director shall report the results of investigations to the Attorney General. R.S.O. 1990, c. P.15, s. 113 (8).

Co-operation of police forces

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



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