

SPECIAL INVESTIGATIONS UNIT ANNUAL REPORT 2014–2015



DIRECTOR'S MESSAGE



“ I AM PLEASED TO PRESENT the SIU's **2014-2015 Annual Report**.
As I begin my second year as director, I have gained an even greater appreciation for the tremendous effort and dedication put in by all SIU staff each and every day. This has allowed the important work of civilian oversight to continue at a level that should be a source of pride for all Ontarians. I would again like to thank the staff for their ongoing professionalism, commitment and hard work.

At the SIU, we endeavour to conduct thorough and fair investigations into incidents where someone is seriously injured, alleges sexual assault or dies when involved with the police. As you can imagine, most of these cases are incredibly traumatic experiences for complainants and their families. As a result, we always strive to be sensitive to their needs and have attempted to make every effort to fill in the gaps in service where we have become aware of a shortfall. For instance, this year after consultation with our stakeholders, we have addressed the following issues: ►

> SUPPORT SERVICES TO AFFECTED PERSONS

The SIU's affected persons coordinator (APC) provides support services to people impacted by an SIU investigation, including complainants, family members and civilian witnesses. The central objective is to help these individuals gain access to services such as professional counselling, support groups, financial assistance programs or admission into drug and alcohol rehabilitation programs.

In September 2014, the SIU entered into a formal Service Agreement with the Victim/Witness Assistance Program (V/WAP). V/WAP, offered by the Ministry of the Attorney General's Victims and Vulnerable Persons Division, provides service on a priority basis to the most vulnerable victims and witnesses of violent crime. When the SIU charges a police officer and the case must then go through the court system, the APC is able to quickly and easily access the local V/WAP office to coordinate support services for the complainant/family member/civilian witness. This will enhance the person's understanding of, and participation in, the criminal court process and it will assist them to regain a sense of well-being. The Agreement clarifies roles, affirms a collaborative relationship between the SIU's APC Program and V/WAP, outlines information sharing procedures and provides a more seamless support system for those impacted by incidents investigated by the SIU.

> NAME RELEASE POLICY

This fiscal year, as a result of criticisms from some media, we reviewed our policy that has been in place since 2012. The 2012 policy came into effect as a result of concerns brought forward by complainants or their family members. As part of our research, we had explored the policies of other civilian oversight agencies and almost a dozen police services throughout Ontario to better understand if and when they released names of complainants, and the reasoning behind their policies. We found that while some agencies released names, others in fact did not do so without consent. We also made inquiries of a number of mental health professionals and reviewed what experts had proactively shared with us in past cases. We spoke with SIU investigators to get a sense of what families wanted and needed. We considered the needs of media and consulted with members of the public. Based on the analysis, we made the decision to only release names of complainants with consent, unless there was an investigative purpose to release the name. After our review, we have decided to continue our 2012 policy.

We believe the policy that has been maintained is a reasonable balance between the right of the complainants and their family to privacy and the right of the public to know what occurred through transparent and detailed news releases. Further, and most importantly, we know that automatically releasing the name of injured or deceased parties can negatively impact an ongoing investigation. Complainants and their family members, who have crucial information, are often much less inclined to cooperate with the SIU if they feel that their names will be released to the media no matter what. In addition, some individuals might be reluctant to come forward to the SIU with complaints about police conduct if they know it is inevitable that their identities will be made public.

DIRECTOR'S MESSAGE

> CORONER'S OFFICE

In May 2014, I, along with the SIU's executive officer and counsel, met with the chief coroner, the chief forensic pathologist and the director for the Centre of Forensic Sciences to exchange views on various issues.

The SIU supported the position of a number of families who had lost loved ones to the effect that they should be able to see the body of their deceased family member as soon as possible after the body is in the custody of the coroner. Their complaint was that they were not able to see their loved one until the body had been turned over to a funeral home. Our meeting ended with an agreement that, barring exceptional circumstances, a request by the family to view the body of a loved one should be accommodated in a manner determined appropriate by the pathologist in the circumstances.

It was also decided that in what are likely to be contentious cases, efforts should be made to convene a meeting soon after the autopsy that brings together the pathologist, the SIU and the family to exchange information. While the information at these meetings will of necessity be limited so as to preserve the integrity of the SIU investigation, it is thought that such a meeting could go some ways to build trust with families.

THIS YEAR, THE SIU HAS continued to strive to enhance the effectiveness and efficiency of its investigations and operations while safeguarding its independence. You will read in this Annual Report for example about a controversy which ended up in court with respect to how our resources should be expended in the context of fingerprinting officers who have been charged by the SIU. A priority for the following year is to improve the SIU's relationship with First Nations people in the province. In addition, in anticipation of significant amendments to the *Police Services Act* in the year to come, I have put together and submitted a number of proposals that would improve our ability to conduct timelier and more thorough investigations. It is my hope that these recommendations will be adopted such that the public will have greater faith in the SIU's ability to fulfill its mandate. Increased faith in the SIU enhances public confidence in the administration of justice and benefits all Ontarians in the long run." ■

— **Tony Loparco**, *Director*

2014–2015

A LOOK AT CIVILIAN OVERSIGHT

The SIU and Canadian Association for Civilian Oversight of Law Enforcement



▲ **L to R: Tony Loparco**, Ontario Special Investigations Unit Director, **Ronald MacDonald**, Nova Scotia Serious Incident Response Team Director, **Richard Rosenthal**, Independent Investigations Office of British Columbia Director

The annual Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) conference was held in Victoria, British Columbia from May 5–7, 2014. The conference—titled *Oversight: Building Confidence and Trust*—was attended by approximately 160 delegates, including individuals from law enforcement, academia, civilian oversight and community groups. While most participants were from across Canada, there was representation from the United States, the West Indies and Hong Kong.

SIU Director Tony Loparco was a panelist for a discussion on ‘Digital Video Evidence from Police Body Worn Cameras: How and How Much, Why and Why Not’. The panel explored issues associated with this technology, including cost, storage of data, privacy rights, disclosure obligations, impact on public complaints and officer use of force.

Director Loparco also moderated a discussion titled ‘Use of Force II: Use of Force Experts in Court Proceedings’. The panel discussed whether use of force reports/experts were an appropriate form of evidence in court proceedings.

Former SIU Director Ian Scott was a panelist for ‘Use of Force I: Divining the Line Between Reasonable and Excessive’. The panel discussed appropriate use of force by police officers in a number of different areas including strip searches, shootings, self-defence, the use of video cameras as well as the deployment of conducted energy weapons.

The SIU’s Outreach Coordinator, Jasbir Dhillon, was one of the principal organizers. ■

LEGAL DEVELOPMENTS IN CIVILIAN OVERSIGHT

On May 1, 2014, two officers with the Ottawa Police Service (OPS) had an interaction with 32-year-old Ismael Awaleh that resulted in the SIU commencing an investigation. As a result of the investigation, the SIU charged OPS officers Erin Cavan and Jordan Blonde on November 1, 2014 with assault, contrary to section 266 of the *Criminal Code*. Summonses were served on the officers compelling their attendance in court to answer to the charges and further compelling their attendance at the SIU's office in Mississauga to have their fingerprints and photographs taken pursuant to the *Identification of Criminals Act*. The officers objected to having to travel to the SIU, claiming they were being treated differently and in an unreasonable manner compared to accused civilians who typically had their fingerprints taken in the same region in which their alleged offences occurred. They further argued that requiring them to attend the SIU headquarters violated their Charter right to be free from unreasonable search and seizure. The officers filed an application before the court to quash the summons.

The SIU responded to the application in support of its policy. In its materials before the court, the SIU noted that its policy is premised on two fundamental public interest imperatives:

- To ensure operational readiness by preserving the SIU's limited resources. The SIU currently has eight forensic investigators and in most investigations, the presence of at least one of these investigators is needed. Requiring forensic investigators to travel to other jurisdictions within the province to take fingerprints would diminish SIU response times and adversely affects the integrity of SIU investigations. The SIU averages more than 300 investigations per year.
- To safeguard public confidence in the independence of SIU investigations. The SIU was instituted as an independent and transparent investigative body for the purpose of maintaining public confidence in the police and justice system as a whole. That public confidence would be jeopardized if the SIU were to have the OPP conduct the fingerprinting or put its operational readiness at risk for the convenience of police officers under investigation.

Justice Patrick Smith heard the arguments on February 2, 2015. As of the end of fiscal year 2014–15, the Ontario Superior Court of Justice had not yet issued its ruling in the matter. ■

PROFILE / Frank Kavcic



“ After a 31 year career in policing, I decided it was time for a change. Most of my career (24 ½ years) was spent in the forensic identification field. I was involved in investigations of several types of cases, including death investigations, mass casualty incidents, industrial accidents, SIU parallel investigations and large scale accident scene investigations (Air France crash in Toronto, Swiss Air Crash in Nova Scotia). For various cases, I was called upon to give expert testimony as it related to the field of forensic scene examination and impression evidence at the provincial and superior court levels. I found the work challenging and satisfying and hoped I could find a new career path that would allow me to continue in my chosen field of expertise.

My colleagues suggested several paths for my consideration. One such recommendation was the Special Investigations Unit. I thought back on investigations where I had an opportunity to observe the SIU forensic investigators during scene examinations. I found them to be dedicated and highly skilled professionals.

In 2013, I made contact with the SIU and was invited to their offices in Mississauga to discuss possible future openings. I subsequently applied for an as-needed forensic investigator position. Following an extensive hiring process, I was offered the position and started with the SIU in November 2013. SIS PERMANET

In February 2015, I competed for the forensic identification manager position and was the successful candidate. I continue to work with a team of dedicated professionals who look forward to the challenges of serving all citizens of the province.” ■

SIU'S COMMITMENT TO ACCESSIBILITY AND DIVERSITY

The SIU is committed to providing an inclusive and accessible environment for all Ontarians accessing its services and to ensuring that all members of the public are treated equally and free from discrimination.

The SIU works to provide its services in accordance with the *Ontario Human Rights Code* and the Accessibility Standards for Customer Service made under the *Accessibility for Ontarians with Disabilities Act, 2005*.

Accessibility

The SIU will work with anyone requiring disability-related assistance to determine the type of accommodations that can be provided. At times, advance notice can help ensure we provide an excellent level of service. In the event we are not able to provide an individual their preferred disability-related accommodation, we will work with them to explore different options. In some cases, we will request information about the disability so that we can understand individual needs.

The types of accommodation or support that we can provide will depend on the disability and the availability of equipment and services. Here are some examples:

- Real-time captioning or Communication-Access Real Time (CART);
- Visual language interpretation such as American Sign Language (ASL) or langue des signes québécoise (LSQ);
- Communication support for people who have difficulty speaking and use alternate ways of communicating;
- Scheduling of meetings or proceedings in rooms that can accommodate the disability, or at times that allow the individual to deal with disability or medical-related needs;
- Providing some services by phone or by email in order to meet a disability-related need;
- Accessible website and accessible or alternative formats of documents, such as electronic formats, large print, audio, and braille; and
- Allowing individuals with disabilities to use their own personal assistive devices or assistive technology. Service animals are welcome in all parts of the SIU premises that are open to the public. A disability-related support person is also welcome.

The SIU is working to continuously improve accessibility for people with disabilities in our services and as such we welcome your feedback and suggestions.

Diversity

The SIU is committed to equal opportunity in attracting and retaining a diverse workforce to deliver services in a responsive manner reflective of the community we serve.

In 2006, the SIU created two entry-level investigator positions for which the Unit could hire staff with varying experiences. In 2012, we created a coaching program to formalize this initiative, and to support the development of young professionals competing for higher level positions.

The SIU is committed to making diversity and inclusion a priority at the highest levels of our organization. We are committed to developing leadership to effectively manage diversity, be accountable, and to measure results. Leadership commitments include:

- Education and training to equip and develop managers/supervisors with diversity and inclusion knowledge and skills to effectively manage and lead their workforce;
- Identifying opportunities for diversity and inclusion initiatives or programs that foster employee engagement;
- Providing meaningful opportunities to employees to learn and grow on the job through training, work assignments, mentoring, succession planning, acting assignments, etc.; and
- Integrating diversity and inclusion strategies into the Unit's business plan. ■

TAKE OUR KIDS TO WORK DAY

On Wednesday, November 5, 2014, four grade 9 students—Jean, Luxshala, Sam and Holly—visited the Special Investigations Unit to participate in *Take Our Kids to Work* day. The annual program supports career development by helping students connect school, the world of work, and their own futures.

The students learned about all aspects of SIU investigations including intake, note-taking and interviewing. As part of a mock investigation, they processed a “scene” in the parking lot and learned about photography, fingerprint lifting and alternate light sources. At the end of the day, the students presented the findings of their investigation to Director Tony Loparco, who agreed with their conclusions. ■



▲ L to R: *Take Our Kids to Work* day participants— Holly, Luxshala, Jean and Sam

RENOVATION AND INNOVATION

New Forensic Case Rooms

The case rooms in the Forensic Laboratory of the SIU were designed and installed in 2000 and met the needs and standards at that time. Improvements in technology over the last 14 years required that a higher standard be met to protect both the integrity of the evidence being processed and the health and safety of staff conducting the examinations. Following consultation with the Ontario Provincial Police Forensic Units, laboratory equipment suppliers and a design team, our laboratory and case rooms were completely renovated to meet today's stringent requirements. New countertops, shelving units and a positive pressure, air filtration system ensure the examination areas are free from contamination and provide a safe work environment for our staff.



▲ Renovated **FORENSIC LABORATORY**

Investigative Support System Update

In 2012–13, the SIU implemented the Investigative Support System to manage an incident from start to finish. At that time, we reported that there was still much work to be done. In 2014–15, a new Evidence Tracking module was introduced to the system and was implemented in normal work processes beginning July 1, 2014. This replaced a tracking system that managed evidence separately. The evidence tracking system gives forensic investigators the ability to:

- Enter and track evidence;
- Track the continuity of evidence;
- Record forensic seals;
- Store evidence; and
- Assign, return or dispose evidence.

In addition, other investigators now have on-line access to the list of evidence created by forensic investigators.



▲ Image of a pistol magazine with the accompanying cartridges removed



▲ **INVESTIGATIVE AREA** Before (*left*) and after (*right*) renovation



▲ **RECEPTION AREA** Before (*left*) and after (*right*) renovation



▲ **DIRECTOR'S OFFICE AREA** Before (*left*) and after (*right*) renovation

Building Renovations

The SIU completed a long-term goal of renovating its offices. The plan was submitted in 2011 to the Ministry of the Attorney General, and was necessary for the following reasons:

- Growth in staff and case load;
- Added privacy;
- Lack of adequate/appropriate workspace for regional investigators when they were in the office; and
- Replacement of furnishings and cubicles that were over 25 years old.

In August 2014, with the help of Agency Relations Division and Facilities Management Branch (MAG), the SIU received approval for new carpet, paint and furnishings for the Unit. The SIU Office Renovation Team—Len Shaw, Jack Coruzzi, Kathleen Faulkner, Carm Piro, Glenn Stevens, Julie Baksh, Ian McKay and Trish Waters—assisted with gaining staff input on design elements.

The construction timeline was ambitious, and required that staff members be temporarily located to other areas within the building while their area was being worked on. The hard work of all involved enabled this project to start March 3 with it substantively being finished March 31.

Due to the renovation, staff are now located in areas more strategic to their duties. The office environment is quieter, more confidential, brighter and cleaner, and use of space is efficient and flexible. This will allow the SIU the ability to plan for future growth. ■

CASES AT A GLANCE

The nature of the SIU mandate means that the Unit often deals with complex and traumatic situations involving police and civilians. Interpreting these situations and arriving at a decision is rarely easy. Under section 113(7) of the *Police Services Act*, the director, who under the *Act* must never have been a police officer, has the sole authority to decide whether or not charges are warranted.

The director relies on many years of experience in the area of criminal law and takes into consideration all aspects of an investigation, arriving at a decision by applying established legal tests. The director's job is not to decide whether the police officer, who is the subject of an investigation, is innocent or guilty. If a charge is laid, the courts ultimately determine that question by deciding whether the charge has been proven beyond reasonable doubt. The director, on the other hand, is limited in his or her mandate to considering whether there is enough evidence to justify laying a charge. He or she applies a lower standard to the evidence than do the courts, namely, whether there are reasonable grounds to believe an offence has been committed.

Cases begin on **NEXT PAGE** >

10-TCI-118

Status Update

On December 21, 2010, former Director Ian Scott caused a criminal charge of *assault with a weapon*, contrary to s. 267(a) of the *Criminal Code of Canada*, to be laid against Constable Babak Andalib-Goortani. Director Scott concluded there were reasonable grounds to believe the officer committed a criminal offence in connection with the arrest of Adam Nobody in Toronto on June 26, 2010 during the G20 demonstrations.

The trial of Cst Andalib-Goortani began in June 2013. In addition to Mr. Nobody testifying, the officer also took the stand in his own defence. Video footage and photographs taken by bystander John Bridge were shown in court. Raw video footage from two other individuals relating to the events surrounding Mr. Nobody's arrest and injuries were also used as evidence at trial.

Cst Andalib-Goortani was convicted on September 12, 2013, and was subsequently sentenced by an Ontario Court of Justice to 45 days in jail. The decision was appealed by Cst Andalib-Goortani. In March of 2015, the finding of guilt was upheld by a Superior Court Justice and a sentence of one year probation was imposed. ■



▲ **10-TCI-118** / Still image from video taken by bystander of interaction between Adam Nobody and police officers

14-TSA-071 and 14-TSA-095

Charge Case

Incident Overview

On March 20, 2014, the SIU was notified of a complaint of a sexual nature against a former police officer with the Metropolitan Toronto Police Force (now known as the Toronto Police Service) that was alleged to have taken place between January 1, 1970 and December 31, 1971.

The Investigation

Five SIU investigators, one forensic investigator and the affected persons coordinator were assigned to this investigation. As part of the investigation, three civilian witnesses were interviewed. The subject officer did not provide the SIU with a copy of his duty notes and declined to be interviewed, as was his legal right.

As the investigation progressed, an additional male complainant was identified.

The Director's Decision

Based on the evidence and information collected in relation to this incident, SIU Director Tony Loparco concluded that there were reasonable grounds to believe that the subject officer committed a criminal offence in relation to two men in Toronto. As a result, on July 8, 2014, Peter John Ross (aka “Peter Piper”) was charged with one count of *buggery*, two counts of *indecent assault*, one count of *assault with intent to commit buggery* and two counts of *gross indecency*, contrary to the *Criminal Code of Canada* provisions as they existed at the time of the alleged offences.

The Prosecution

The case was referred to the Justice Prosecutions Branch of the Crown Law Office – Criminal. It is the responsibility of that branch of the Ministry of the Attorney General to prosecute SIU cases.

A trial is set for June 1, 2015. ■

14-PVI-253

Charge Case

Incident Overview

Shortly after 2 p.m. on Friday, October 24, 2014, an Ontario Provincial Police (OPP) officer was driving a police cruiser on County Road 42 in St. Joachim. At the intersection of northbound County Road 31, the cruiser collided with a vehicle being driven by 20-year-old Ryan Coombes. Mr. Coombes was taken to hospital for examination. It was later determined that he sustained serious injuries.

The Investigation

Four SIU investigators and one forensic investigator were assigned to this investigation. As part of the investigation, three witness officers and seven civilian witnesses were interviewed. The subject officer did not provide the SIU with a copy of his duty notes and declined to be interviewed, as was his legal right.



Upon request the SIU obtained and reviewed the following materials and documents:

- Event chronology;
- Field Notes and Total Station information from the OPP;
- Motor Vehicle Collision Report; and
- Witness statements given to police.

The Director's Decision

Based on the evidence and information collected in relation to this incident, SIU Director Tony Loparco concluded that there were reasonable grounds to believe that the subject officer committed a criminal offence. As a result, on December 11, 2014, OPP Constable Jamie Porto was charged with *dangerous driving causing bodily harm*, contrary to s. 249(3) of the *Criminal Code of Canada*.

The Prosecution

The case was referred to the Justice Prosecutions Branch of the Crown Law Office – Criminal. It is the responsibility of that branch of the Ministry of the Attorney General to prosecute SIU cases.

The Judicial Pretrial (JPT) has been set for April 17, 2015. The JPT allows the defence lawyer to discuss and negotiate the case with the crown attorney while receiving input from a judge. ■

◀ 14-PVI-253 / Photo of OPP cruiser being examined following collision

15-PCI-008

Incident Overview

On Friday, January 9, 2015, Lac Seul Police Service (LSPS)—a First Nations police service—requested assistance from the Ontario Provincial Police (OPP) Sioux Lookout detachment to arrest a 28-year-old man at a residence in Lac Seul First Nation. An LSPS officer attended the residence, accompanied by an OPP officer. They were unable to locate the man, believing he had fled from the residence.

The police officers later received a call indicating that the man was still in the residence, hiding in the attic. The same two police officers returned to the residence and located the man in the attic. They tried to convince him to come down but he would not. The man stuck his hands out from the attic and the LSPS officer grabbed them. At this time, two additional LSPS officers had arrived. The police officers pulled the man from the attic in a controlled manner and set him down on the floor.

The man resisted the police officers during the handcuffing process by pulling his hands under his body as he lay face down on the ground. Two LSPS officers were on either side of the man, and the OPP officer was at the man's feet. As the police officers attempted to handcuff the man, they observed a knife attached to the man's belt and one on a string around his neck. One of the LSPS officers

was able to get the man's left hand from under him and bent his hand and fingers in a wrist lock in order to gain compliance. The man was handcuffed with his hands behind his back and escorted from the residence. The police officers found another knife in the man's pocket.

Two days later, the man complained of a sore finger and was taken to hospital where he was diagnosed with a broken finger on his left hand.

The Investigation

Two SIU investigators were assigned to the investigation. Two civilian witnesses and the three LSPS officers who were in attendance at the residence were interviewed and canvassed for information. During those interviews it was found that the complainant's injury was caused by an LSPS officer. The OPP officer was not designated.

The Director's Decision

Based on the sequence of the events described by the complainant and by the involved LSPS officers, it was evident that the only police officer in position to have caused the man's injury was one of the LSPS officers. Since First Nations officers do not fall under the jurisdiction of the SIU, the SIU investigation was terminated. ■

14-OFD-077

Incident Overview



▲ **14-OFD-077** / The A. Grenville and William Davis Courthouse, Brampton
Photo courtesy of SHAI GIL

At approximately 11 a.m. on Friday, March 28, 2014, 45-year-old Charanjit Singh Bassi arrived at the A. Grenville and William Davis Courthouse in Brampton. Mr. Bassi entered the building and attempted to make his way through the access line reserved for courthouse staff and legal professionals. Unlike the adjacent access line intended for members of the public, the route Mr. Bassi had chosen would not include him having to walk through a metal detector, or to be individually searched by an officer with a wand device.

The subject officer, who was with Peel Regional Police, was manning the access line for courthouse staff and legal professionals.

He confronted Mr. Bassi and instructed him to join the other line where he would undergo the same security checks as other visitors to the courthouse. Mr. Bassi hesitated and instead reached in behind his left jacket panel with his right hand and pulled out a 9mm pistol. He pointed the gun at the subject officer and fired two rounds at point-blank range. One of the projectiles struck the front of the officer's torso, knocking him to the ground. The other shot missed its target and became lodged in the desk beside the officer. The gunfire created pandemonium, particularly in the area of the security checkpoint near the entrance to the building which was busy with court staff and other individuals with business at the courthouse.

Mr. Bassi made his way through the security checkpoint and turned to his right, where he confronted one of the witness officers. This witness officer had been working with the subject officer at the front security area performing searches of people entering the courthouse with his metal detector wand. When he saw and heard Mr. Bassi shoot his partner, he had taken cover behind a nearby pillar, drawing his firearm in the process. The police officer quickly found himself face to face with Mr. Bassi, who pointed his gun in the officer's direction. There was an exchange of gunfire as the police officer and Mr. Bassi discharged a single round each. The witness officer's round struck Mr. Bassi's right leg and exited through his left leg. Mr. Bassi's shot missed the witness officer.

At about the same time, the subject officer—who had managed to get back to his feet and had drawn his firearm—steadied himself

14-OFD-077 *continued*

and fired his weapon three times at Mr. Bassi. The subject officer missed Mr. Bassi with one of his three discharges. Another of his shots entered the back of Mr. Bassi's neck area and exited through the front of the left side of his face. The other projectile struck Mr. Bassi's left back and lodged in the anterior abdominal wall. According to the pathologist at autopsy, it was this projectile that caused Mr. Bassi's death.

Mr. Bassi slumped to the floor and was quickly handcuffed by the witness officer. Other police officers in the courthouse began to converge on the scene and immediately rendered first aid to the subject officer and Mr. Bassi. The subject officer was taken to hospital and treated for his wounds. Mr. Bassi could not be resuscitated and was pronounced dead at the courthouse.

The Investigation

The SIU assigned 19 investigators and three forensic investigators to probe the circumstances of this incident. As part of the investigation, eight witness officers and 40 civilian witnesses were interviewed. The subject officer did not consent to an interview and did not provide a copy of his duty notes, as was his legal right.

The scene was examined by SIU forensic investigators (FIs), and photographs and a video recording were taken of the scene and the pertinent evidence. The FIs collected from the scene a Sig Sauer 9mm semi-automatic handgun, three spent 9mm cartridge cases, four spent .40 calibre cartridge cases, one live .40 calibre cartridge,



▲ 14-OFD-077 / Trajectory rod indicating direction of projectile

and multiple projectiles and fragments. The projectiles, spent cartridge cases and ammunition recovered by the SIU were submitted to the Centre of Forensic Sciences for examination.

The SIU also obtained and reviewed the following material in the course of the investigation:

- Copy of the communications recordings relevant to the incident;
- Weapons belonging to both the subject officer and witness officer; and
- Autopsy report.

The Director's Decision

Director Loparco concluded, “Section 25(3) of the *Criminal Code* authorizes the use of lethal force by police officers in the execution of their duties where such force is reasonably necessary to one’s self-preservation or the protection of others from grievous bodily harm or death. Section 34 of the *Code* authorizes force used in self-defence or the defence of others where the force in question, including lethal force, is reasonably necessary in the circumstances. In the case of the force used against Mr. Bassi, I have no difficulty in concluding on the evidence that the shots fired by the subject and witness officers were legally justified pursuant to either section. The subject officer had just been shot by Mr. Bassi. He had every reason to believe that his life and the lives of those around him were endangered, and that he could not otherwise meet that danger than by shooting at Mr. Bassi. The same goes for the witness officer. He had just seen Mr. Bassi attempt to kill the subject officer and was the last line of defence before Mr. Bassi made it further into the courthouse with a loaded firearm. Confronted by Mr. Bassi pointing a gun in his direction at close range, the witness officer’s decision to shoot Mr. Bassi was eminently justifiable.”

Director Loparco added, “Precisely why Mr. Bassi tried to enter the courthouse armed with a loaded firearm is unclear, nor was this

a focus of the SIU’s investigation. Be that as it may, it is clear that Mr. Bassi came prepared to use his firearm, whether against some intended target or other innocent parties. The subject and witness officers would not have it. It was their duty that day to ensure that any risk to the safety of the courthouse and the people within it was checked at the door. Despite being shot in the torso and suffering a grievous wound, the subject officer was able to maintain his composure, right himself and return gunfire before collapsing from his injuries. The witness officer, despite the shock of what he had just observed, did well to immediately find cover before Mr. Bassi could shoot him as well. He then quickly drew his firearm and was able to strike Mr. Bassi with his one and only shot as Mr. Bassi pointed the gun in his direction and fired.”

Director Loparco further observed, “In the midst of the turmoil that followed the shots fired by Mr. Bassi, there was plenty of bravery and quick-thinking on display from the regular citizenry. A court clerk ushering a presiding judge to safety, a lawyer forcing her client to the ground upon hearing the sound of gunfire and an accused person at the courthouse rushing to be among the first to render first aid to the subject officer’s wounds once the shooting stopped, are just some of the stories of ordinary people and their extraordinary acts on this most unfortunate day.” ■

14-TVI-084

Incident Overview

At approximately 11:30 p.m. on Tuesday, April 8, 2014, the subject officer was driving a marked Toronto Police Service (TPS) cruiser when he and his partner saw a Honda Civic operating without front lights in the area of King Street and Bathurst Street in Toronto. The police officers suspected that the driver of the Civic was impaired and began to follow the vehicle. They continued to follow the vehicle as it turned right onto Adelaide Street from Bathurst Street, then north on Spadina Avenue and right onto Queen Street. In the area of Queen Street and McCaul Street, the officers checked the vehicle's licence plate number and confirmed that the car had been reported stolen. The subject officer activated his emergency lights and pulled alongside the Civic in an attempt to stop it. The driver of the Civic did not stop and instead accelerated northbound on McCaul Street, reaching speeds of 130-140 km/h as he approached Dundas Street. The subject officer reported speeds of 80 km/h as he travelled north on McCaul Street in pursuit of the Civic. The man ran a red light at the Dundas Street intersection and at that point the officers decided to discontinue the pursuit.

Shortly thereafter, the driver lost control of the Civic, sideswiped a parked vehicle and toppled into a parking lot on the east side of McCaul Street, just north of Baldwin Street. The Civic came to rest on its passenger side. The man climbed out of the car and ran northwest across the road to an area between houses on the west side of McCaul Street.

At the time of the collision, the police officers were approximately 200 metres away. They arrived at the scene and located the man between the houses. During the process of arrest, there was a brief altercation between the man and the officers as they attempted to handcuff and take him into custody. An ambulance was called when it appeared the man had suffered an injury and he was taken to St. Michael's Hospital for treatment. He was diagnosed with fractured ribs and a collapsed lung.

The Investigation

The SIU assigned three investigators, two forensic investigators and one collision reconstructionist to probe the circumstances of this incident. Five witness officers and six civilian witnesses were interviewed. The subject officer consented to an interview and provided a copy of his notes.

The SIU also obtained and reviewed the following material in the course of the investigation:

- Communications recordings of TPS radio transmissions and 911 calls;
- In-car video from the subject officer's vehicle;
- GPS report for the subject officer's vehicle;
- TPS policy regarding pursuits;
- Medical records for complainant from St. Michael's Hospital; and
- Civilian CCTV security video recordings from various locations.

14-TVI-084 continued



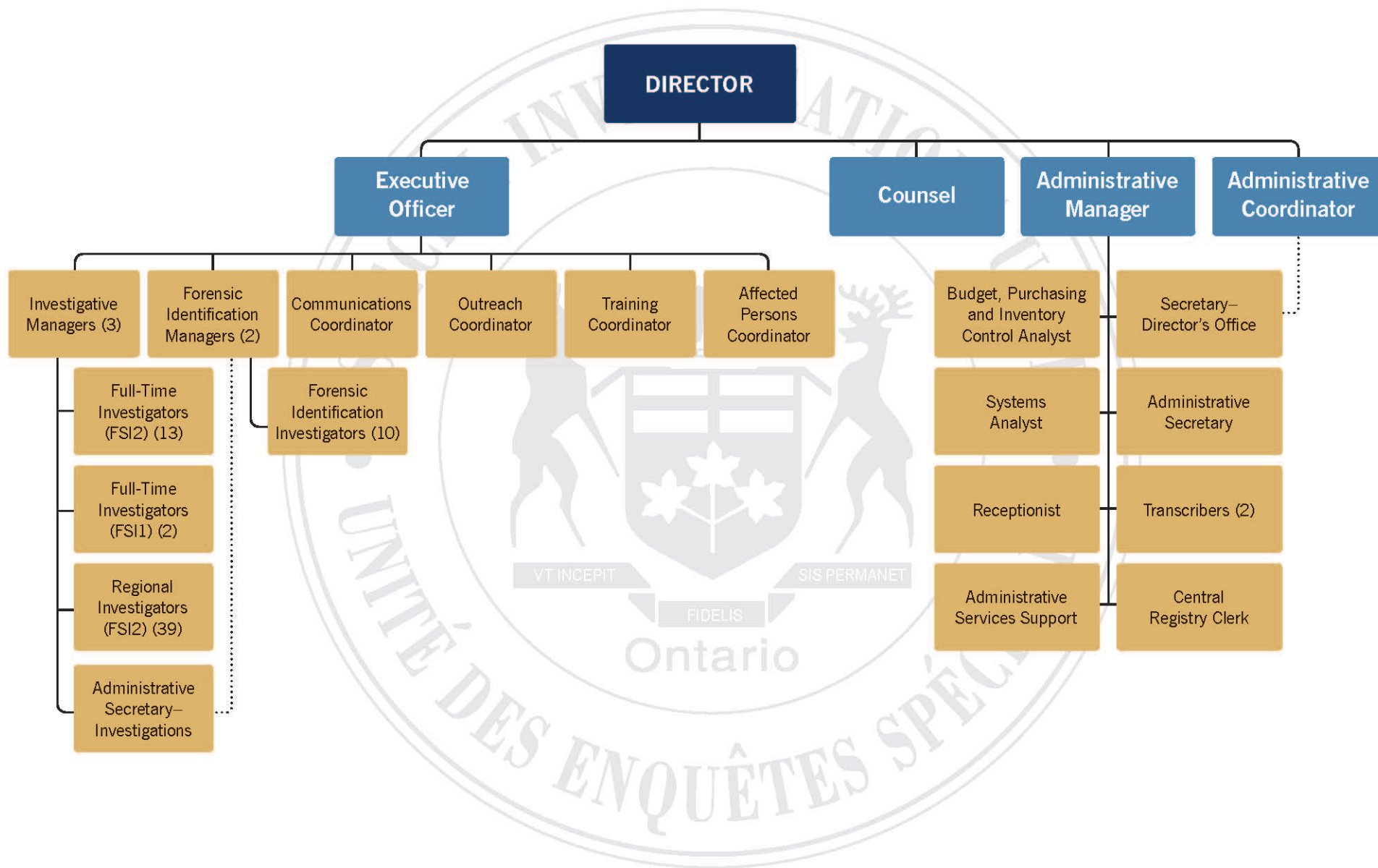
▲ 14-TVI-084 / Coloured markers indicating tire marks on sidewalk

SIU forensic investigators examined, photographed and videotaped the scene, created a scale diagram by means of the Total Station system, examined and photographed the subject officer's vehicle and authored the collision reconstruction report.

The Director's Decision

Director Loparco concluded, "The subject officer was clearly in the execution of his duties when he first followed and then pursued the Honda Civic. With confirmation of the fact that the Civic had been reported stolen, the subject officer was entitled under *O. Reg. 266/10*—the regulation governing police pursuits in the province—to initiate a police pursuit in an effort to stop the vehicle. As to the manner in which the subject officer conducted the pursuit, I am satisfied that he exercised a level of care that fell within the limits prescribed by the criminal law. This was a very short pursuit in time and distance – lasting some 12 seconds over approximately 400 metres. With respect to the physical altercation that occurred between the police officers and the man during his arrest, I am satisfied on the weight of the evidence that the police officers used no more force than was reasonably necessary to overcome the man's resistance to being handcuffed. In the final analysis, whether the man's injuries were caused by the collision, the force used by the police officers during his arrest, or both, I am satisfied that there are no reasonable grounds to proceed with charges in this case." ■

SIU ORGANIZATION CHART



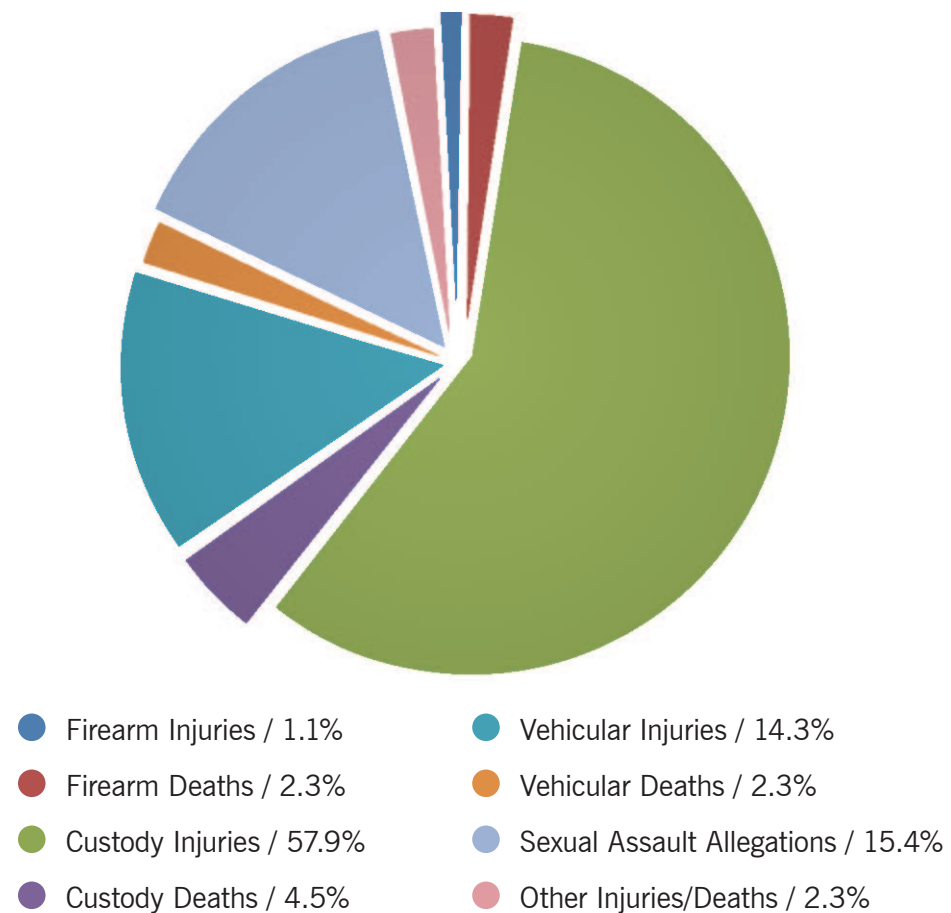
STATISTICALLY SPEAKING...

Occurrences

During the 2014–15 fiscal period, 266 cases were opened by the Unit. The figure represents a 16% decrease from the number of occurrences in the 2013–14 fiscal year, which was 318 cases. Putting it into perspective, the Unit's average annual caseload for the last five fiscal periods is 310 cases, representing a 26% increase compared to the corresponding average of 255 cases for the preceding five-year period. In 2014–15, criminal charges were laid in 13 cases against a total of 12 officers.

APPENDIX A (page 32) illustrates where incidents occurred in the province by cross-referencing the caseload data with geographical regions and police services.

Types of Occurrences by Percentage



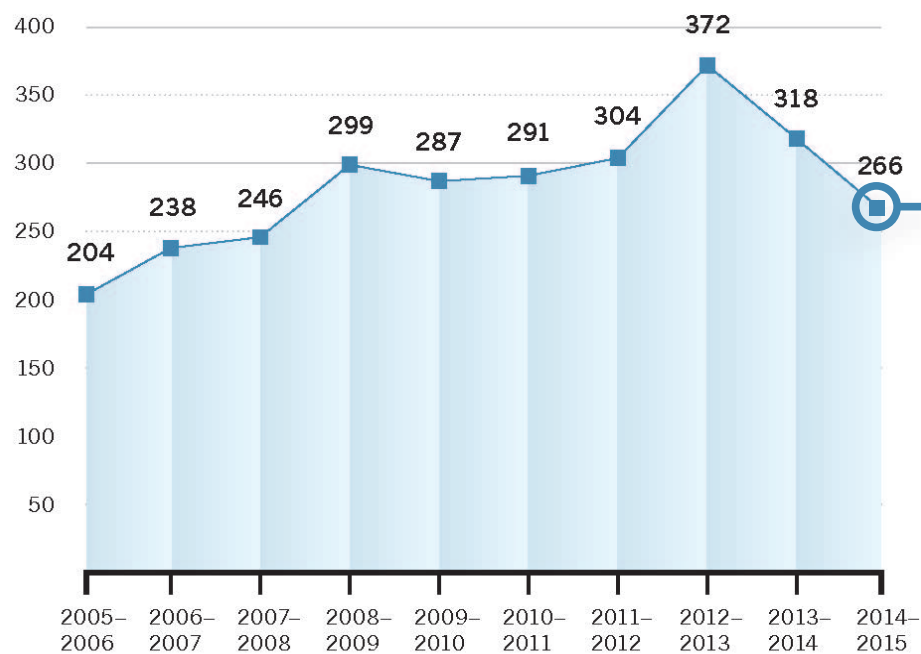
► Percentages off slightly due to rounding

SIU Occurrences by Fiscal Year

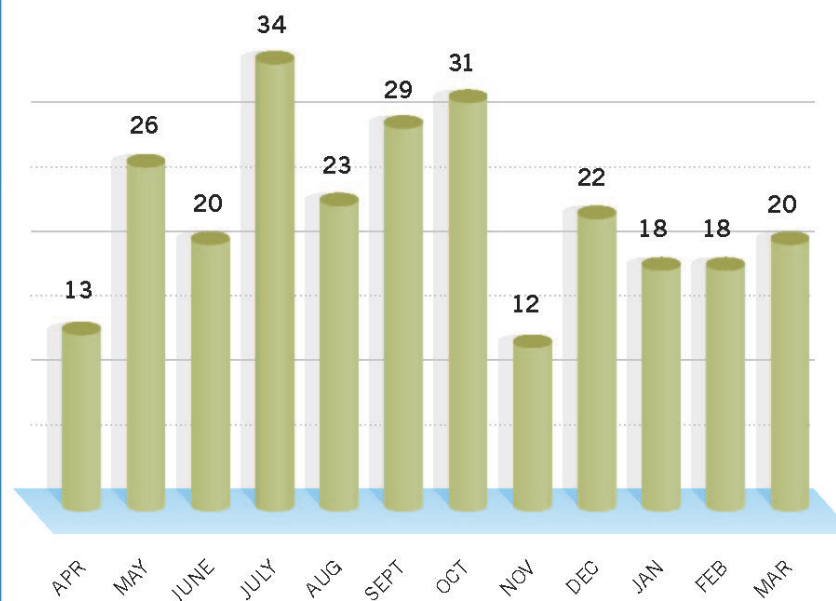
TYPES OF OCCURRENCES	2005–2006	2006–2007	2007–2008	2008–2009	2009–2010	2010–2011	2011–2012	2012–2013	2013–2014	2014–2015
Firearm Injuries	10	11	14	10	5	12	12	8	8	3
Firearm Deaths	8	6	7	4	7	10	8	5	9	6
Custody Injuries	107	129	124	182	172	163	172	218	200	154
Custody Deaths	22	35	21	27	16	30	17	34	20	12
Vehicular Injuries	25	28	29	33	50	27	33	48	33	38
Vehicular Deaths	9	5	9	7	9	4	6	7	11	6
Sexual Assault Allegations	23	24	41	34	24	44	55	49	34	41
Other Injuries/Deaths	0	0	1	2	4	1	1	3	3	6
TOTALS	204	238	246	299	287	291	304	372	318	266

Fiscal Yearly Trend

■ NUMBER OF INCIDENTS



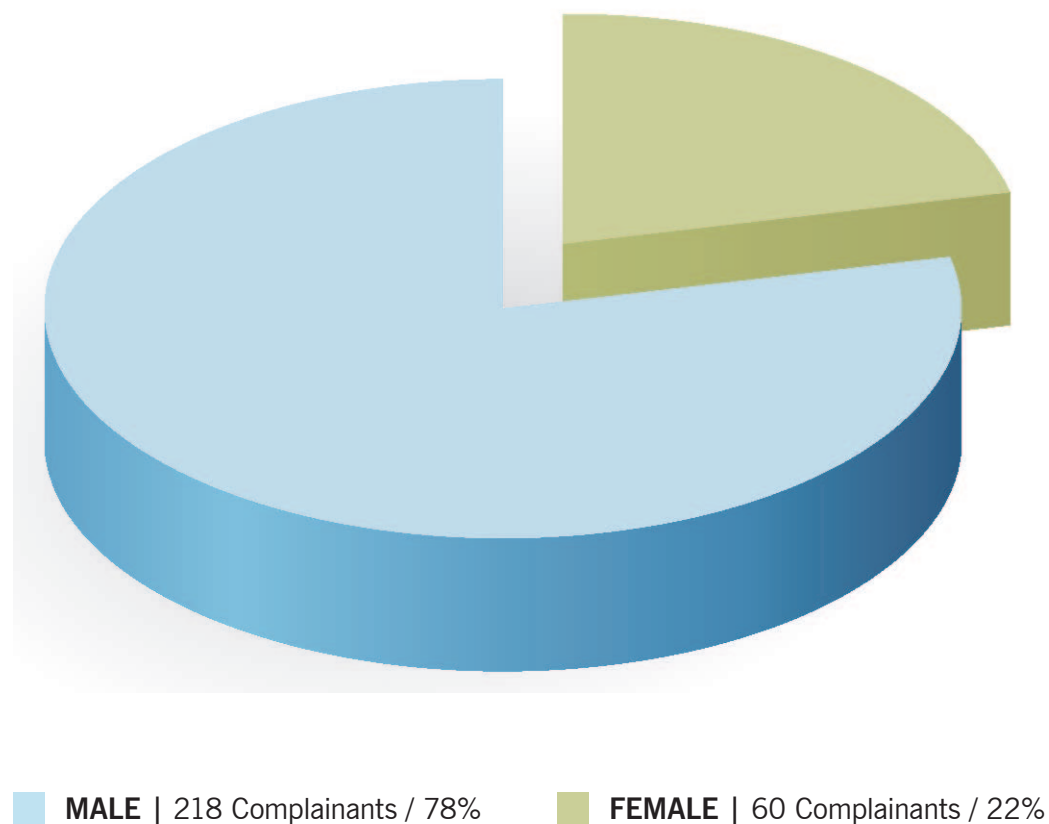
Number of Investigations Launched Per Month



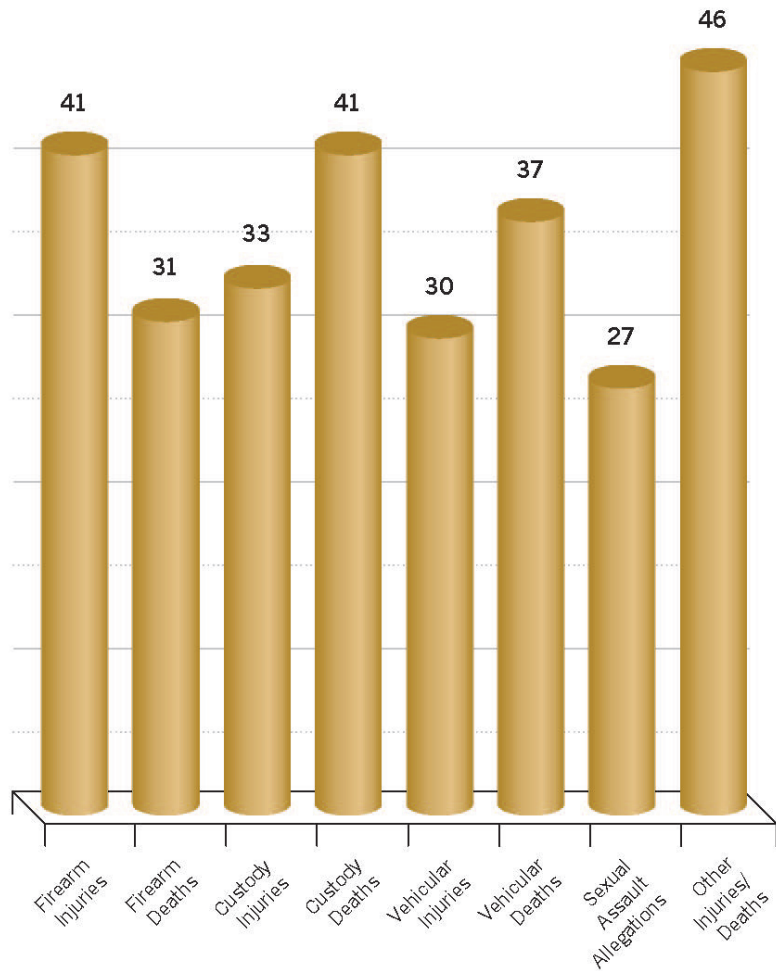
Information About Complainants

“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.

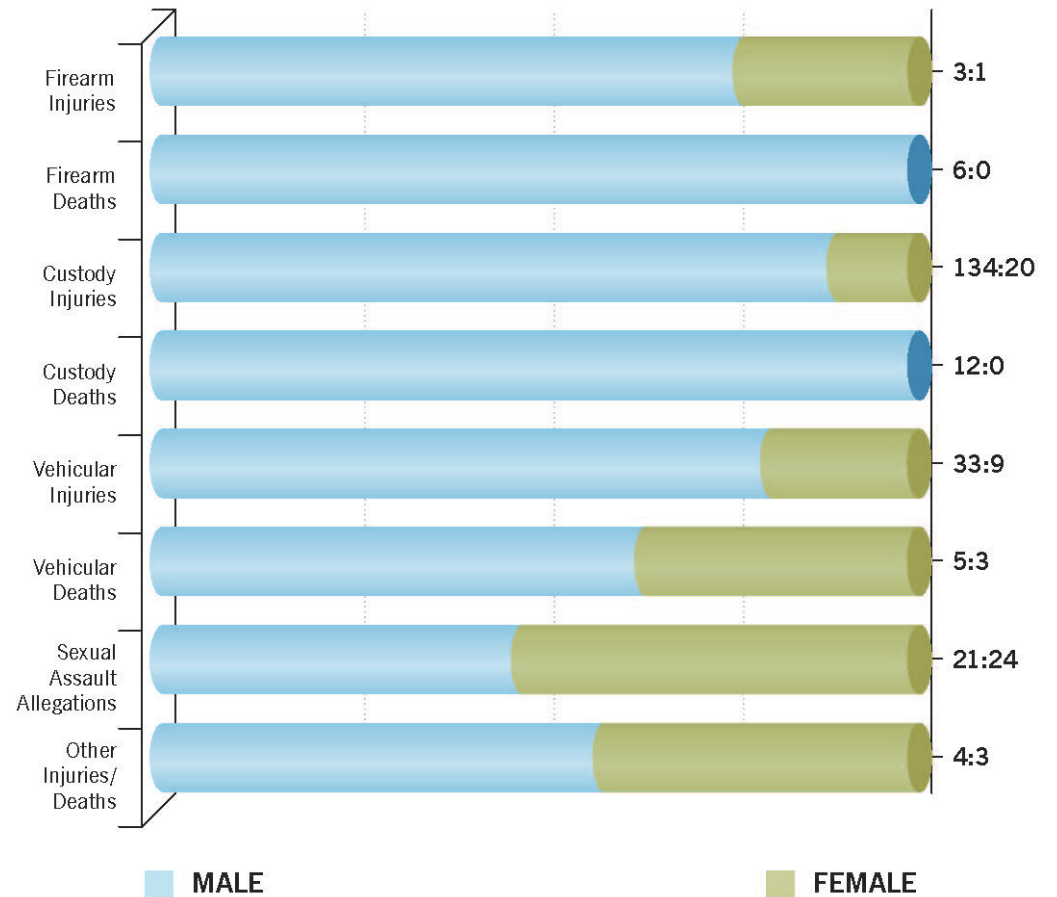
Percentage of Complainants by Gender



Average Age of Complainants By Case Type



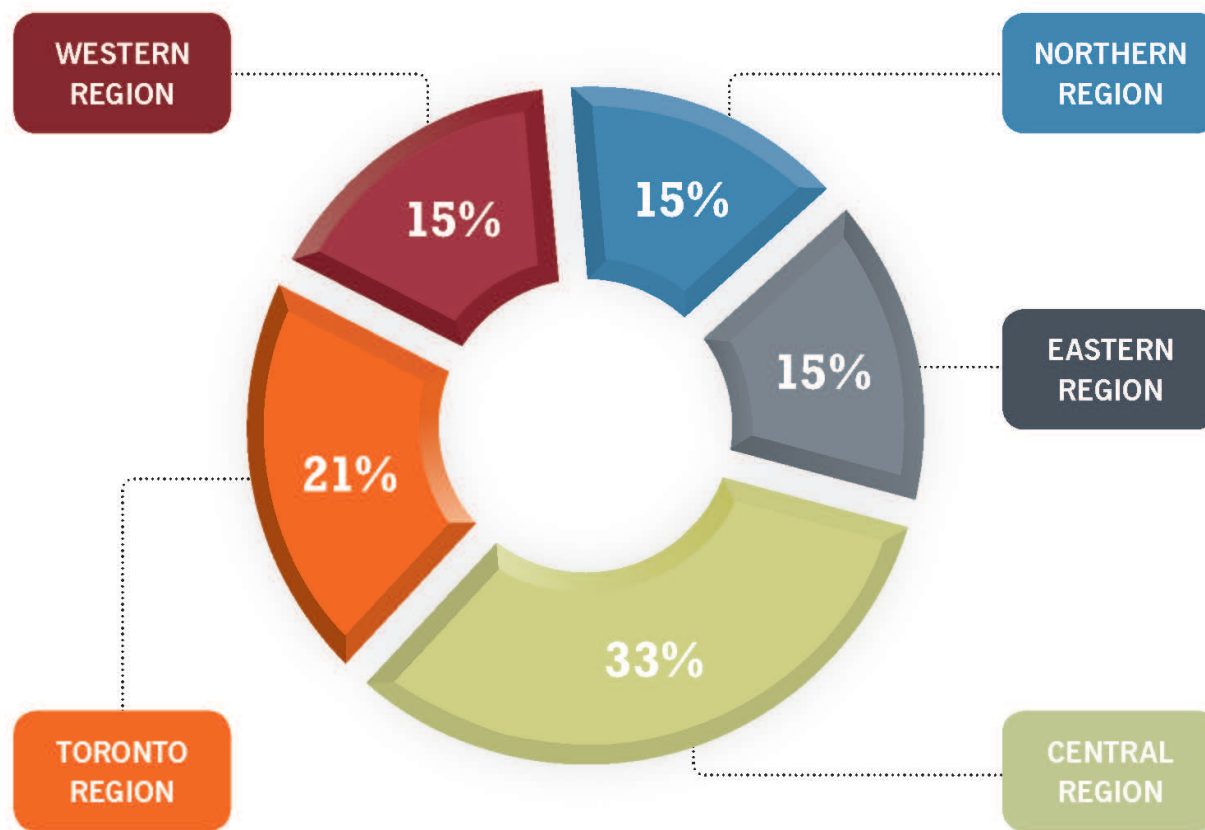
Number of Male and Female Complainants By Case Type



Investigative Response

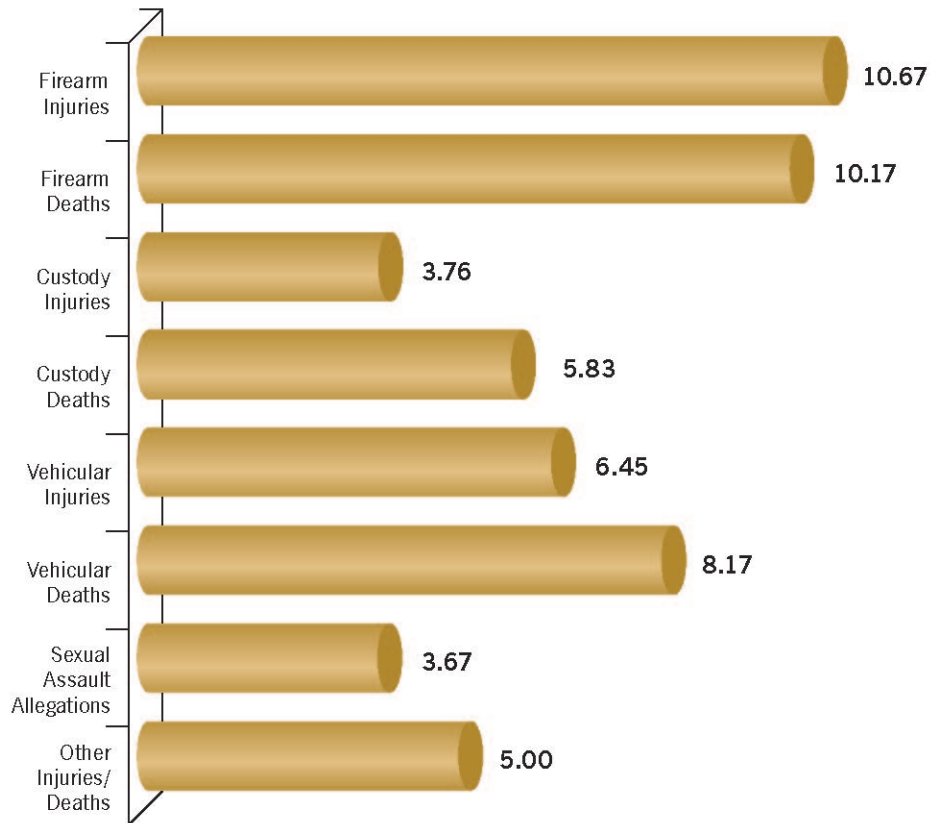
To assist in understanding the required investigative response in an SIU incident, the SIU tracks the time it takes for investigators to respond to an incident, and the number of investigators deployed to a scene. Speed of response and the number of investigators initially dispatched to an incident are important in many cases because of the need to secure physical evidence and to meet with witnesses before they leave the scene.

Investigations By Region

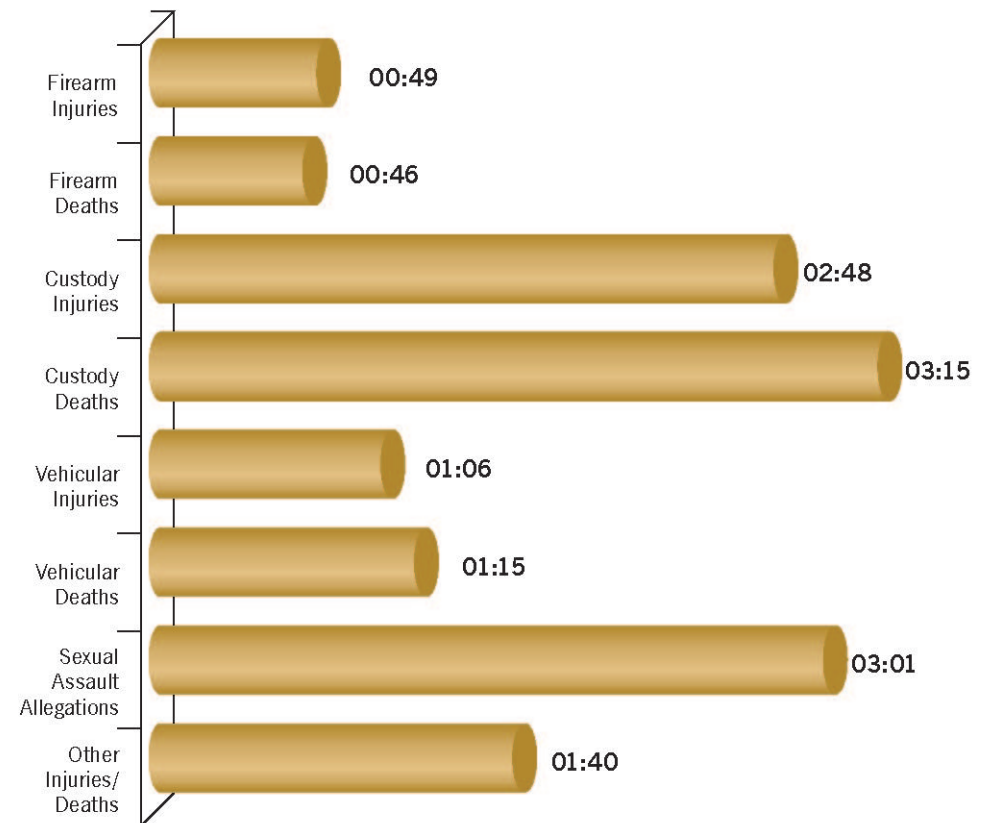


► Percentages off slightly due to rounding

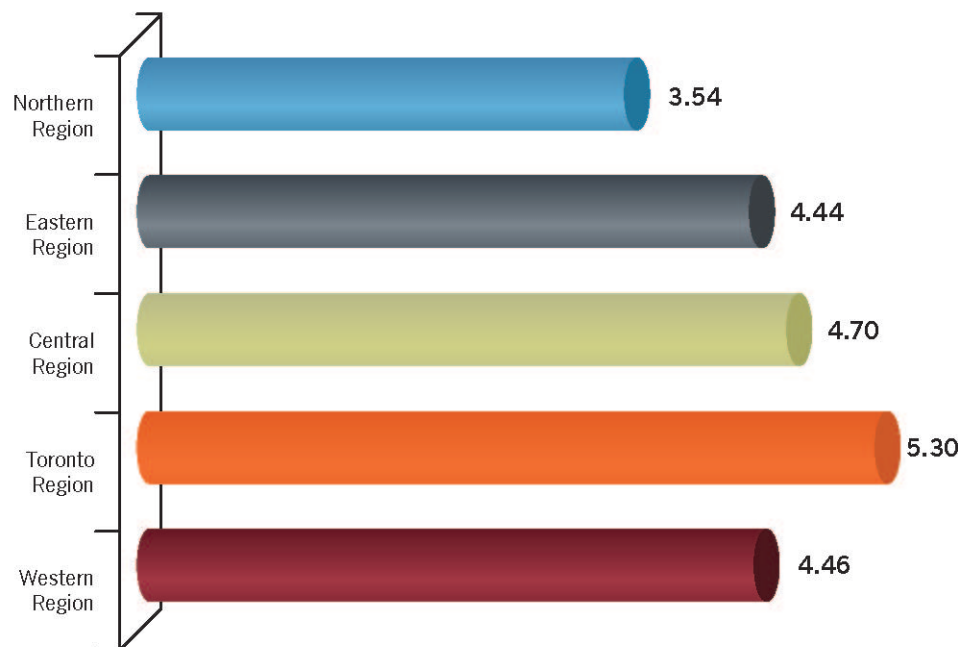
Average Number of Investigators By Case Type



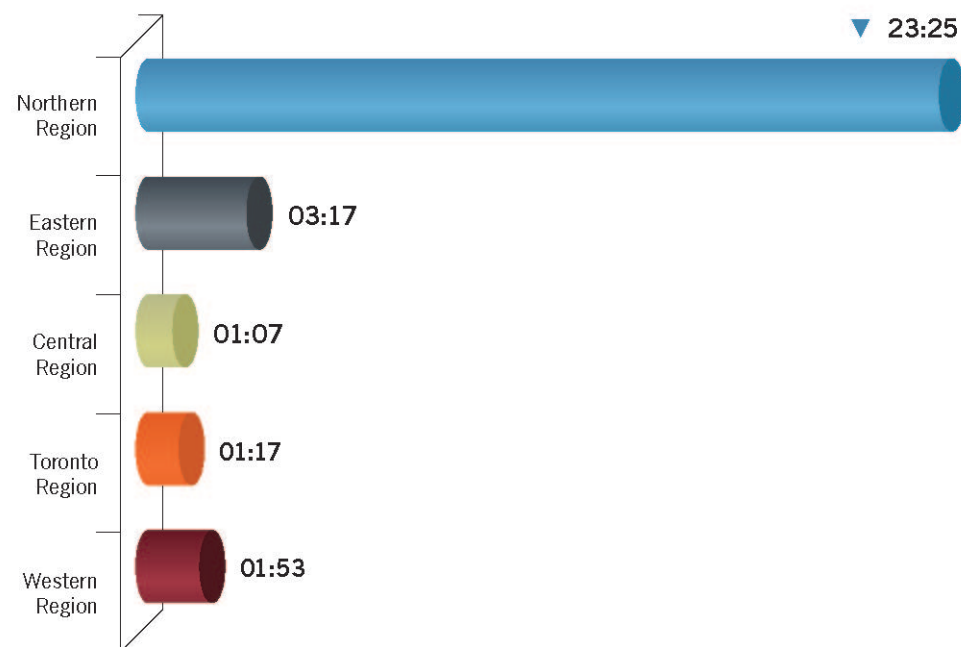
Average Response Time By Case Type (Hours:Minutes)



Average Number of Investigators By Region



Average Response Time By Region (Hours:Minutes)



Closure Rate

The SIU has set a performance standard of closing 65% of its cases within 30 business days. In the 2014-15 fiscal year, the Unit closed 33% of cases within 30 business days. ■

- 1 The number of closed cases is different than the total occurrences in 2014-15 as it includes occurrences from the previous fiscal year that were closed in 2014-15 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.
- 3 The number of cases in which charges laid is calculated regardless of when the incident is reported to SIU. While charges were laid in 13 cases in the 2014-15 fiscal year, some charge cases may have been carried over from the 2013-2014 fiscal period.

CASE CLOSURE STATISTICS / 2014–15

Total number of cases closed ¹	253
Average number of days to close all cases ²	78.3
Number of cases closed within 30 business days	84
Percentage of cases closed within 30 business days	33.2%
Number of cases in which charges were laid ³	13
Number of officers charged	12
Percentage of cases in which charges were laid	5.1%

Closure by Memo

In some SIU cases, information is gathered at an early stage of the investigation which establishes that the incident, at first believed to fall within the SIU's jurisdiction, is in fact not one that the Unit can investigate. It may be that the injury in question, upon closer scrutiny, is not in fact a "serious injury". In other cases, although the incident falls within the SIU's jurisdiction, it becomes clear that there is patently nothing to investigate. Examples of such incidents include investigations in which it becomes evident early on that the injury was not directly or indirectly caused by the actions of a police officer. In these instances, the SIU director exercises his/her discretion and "terminates" all further SIU involvement, filing a memo to that effect with the Attorney General. When this occurs, the director does not render a decision as to whether a criminal charge is warranted in the case or not. Other law enforcement agencies may be able to deal with these incidents. Of the 253 cases closed in 2014–15, 100 were terminated in this fashion, accounting for approximately 39.5% of the total number of cases.

VISION, MISSION AND VALUES

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

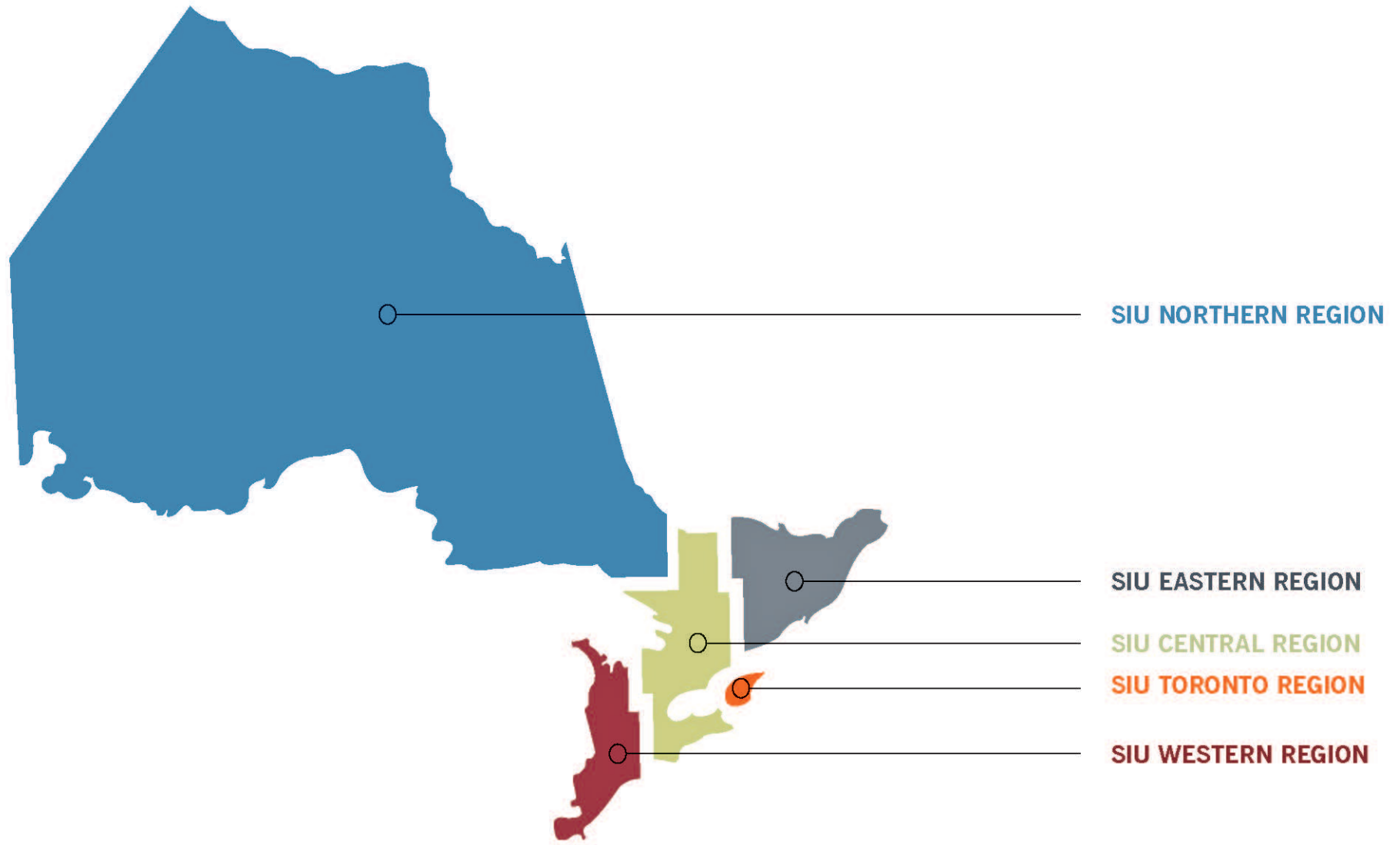
- We are a skilled team of civilians dedicated to serving Ontario's diverse communities.
- We conduct thorough and unbiased investigations where someone is seriously injured, alleges sexual assault or dies when involved with the police.
- Our independence in seeking and assessing all the evidence ensures police accountability, inspiring the confidence of all in the work of SIU.

OUR VALUES

Integrity / Teamwork / Communication / Excellence /
Accountable / Unbiased / Dedicated

APPENDIX A

SIU Case Breakdown by County, Police and Population



SPECIAL INVESTIGATIONS UNIT ANNUAL REPORT 2014–2015

	POPULATION*	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURIES	FIREARM DEATHS	CUSTODY INJURIES	CUSTODY DEATHS	VEHICULAR INJURIES	VEHICULAR DEATHS	SEXUAL ASSAULT ALLEGATIONS	OTHER INJURIES/ DEATHS
SIU NORTHERN REGION												
Parry Sound	42,162	OPP West Parry Sound Detachment	1	0.4%							1	
		OPP Almaguin Highlands Detachment	1	0.4%				1				
Rainy River	20,370	OPP Rainy River Detachment	1	0.4%			1					
Sudbury	21,196	OPP Sudbury Detachment	1	0.4%			1					
Kenora †	57,607	Dryden Police Service	2	0.8%			2					
		OPP Kenora Detachment	1	0.4%			1					
		OPP Red Lake Detachment	1	0.4%			1					
		OPP Sioux Lookout Detachment	4	1.5%			4					
Nipissing †	84,736	West Nipissing Police Service	1	0.4%			1					
		OPP Mattawa Detachment	1	0.4%							1	
		OPP Whitney Detachment	2	0.8%					1	1		
Cochrane †	81,122	Timmins Police Service	6	2.3%			1	1			4	
Algoma †	115,870	Sault Ste. Marie Police Service	7	2.6%			3		1		3	
Thunder Bay †	146,057	Thunder Bay Police Service	8	3.0%			5	2	1			
Greater Sudbury	160,376	OPP Chapleau Satellite Office	1	0.4%				1				
		Greater Sudbury Police Service	2	0.8%			2					
TOTAL – SIU NORTHERN REGION	833,225*	Percent of Ontario's population = 6.5%	40	15.0% †	0	0	22	5	3	1	9	0

	POPULATION*	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURIES	FIREARM DEATHS	CUSTODY INJURIES	CUSTODY DEATHS	VEHICULAR INJURIES	VEHICULAR DEATHS	SEXUAL ASSAULT ALLEGATIONS	OTHER INJURIES/ DEATHS
SIU EASTERN REGION												
Prince Edward	25,258	Belleville Police Service	1	0.4%			1					
		OPP Prince Edward Detachment	2	0.8%							2	
Lanark	65,667	OPP Lanark County Detachment	1	0.4%					1			
Leeds and Grenville	99,306	Brockville Police Service	1	0.4%			1					
Stormont, Dundas and Glengarry †	111,164	OPP Morrisburg Detachment	1	0.4%			1					
		OPP Stormont, Dundas and Glengarry Detachment	1	0.4%			1					
Hastings †	134,934	OPP Bancroft Detachment	1	0.4%			1					
Frontenac	149,738	Kingston Police Service	10	3.8%			7			1	2	
Ottawa	883,391	Ottawa Police Service	11	4.1%			7		1		1	2
Kawartha Lakes	73,214	Kawartha Lakes Police Service (City of)	1	0.4%			1					
		OPP The City of Kawartha Lakes Detachment	2	0.8%			1		1			
Northumberland	82,126	OPP Quinte West Detachment	1	0.4%							1	
		Port Hope Police Service	1	0.4%							1	
Renfrew	101,326	OPP Arnprior Detachment	1	0.4%			1					
Peterborough	134,933	Peterborough-Lakefield Community Police Service	3	1.1%				1			2	
		OPP Peterborough County Detachment	1	0.4%					1			
TOTAL – SIU EASTERN REGION	2,005,288*	Percent of Ontario's population = 15.6%	39	14.7% †	0	0	22	1	4	1	9	2

SPECIAL INVESTIGATIONS UNIT ANNUAL REPORT 2014–2015

	POPULATION*	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURIES	FIREARM DEATHS	CUSTODY INJURIES	CUSTODY DEATHS	VEHICULAR INJURIES	VEHICULAR DEATHS	SEXUAL ASSAULT ALLEGATIONS	OTHER INJURIES/ DEATHS
SIU CENTRAL REGION												
Dufferin	56,881	OPP Dufferin Detachment	1	0.4%				1				
		Orangeville Police Service	1	0.4%							1	
Haldimand-Norfolk	109,118	OPP Haldimand County Detachment	1	0.4%					1			
		OPP Norfolk County Detachment	1	0.4%					1			
Brant †	136,035	Brantford Police Service	4	1.5%					2	1	1	
		OPP Brant County Detachment	2	0.8%			1			1		
Halton	501,669	Halton Regional Police Service	4	1.5%		1	2					1
		OPP Burlington Detachment	1	0.4%			1					
Simcoe	446,063	Barrie Police Service	2	0.8%			1					1
		Midland Police Service	1	0.4%			1					
		OPP Barrie Detachment	2	0.8%					1		1	
		OPP Huronia West Detachment	2	0.8%					1		1	
		OPP Nottawasaga Detachment	3	1.1%			2		1			
		OPP Southern Georgian Bay Detachment	2	0.8%			1				1	
		OPP Orillia Detachment	1	0.4%			1					
Niagara	431,346	Niagara Regional Police Service	9	3.4%			8	1				
Hamilton	519,949	Hamilton Police Service	11	4.1%			8		2		1	
Durham	608,124	Durham Regional Police Service	3	1.1%			2			1		
York	1,032,524	York Regional Police Service	16	6.0%	1	1	10	1		1	1	1
Peel	1,296,814	Peel Regional Police Service	21	7.9%		2	13		5			1
TOTAL – SIU CENTRAL REGION	5,138,523*	Percent of Ontario's population = 39.9%	88	33.1% †	1	4	51	3	14	4	7	4

	POPULATION*	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURIES	FIREARM DEATHS	CUSTODY INJURIES	CUSTODY DEATHS	VEHICULAR INJURIES	VEHICULAR DEATHS	SEXUAL ASSAULT ALLEGATIONS	OTHER INJURIES/ DEATHS
SIU WESTERN REGION												
Huron	59,100	Wingham Police Service	1	0.4%					1			
Bruce	66,102	OPP Bruce Peninsula Detachment	1	0.4%			1					
Lambton	126,199	Sarnia Police Service	4	1.5%			4					
Wellington	208,360	Guelph Police Service	3	1.1%			3					
		OPP Fergus Detachment	1	0.4%			1					
		OPP Wellington Detachment (Mount Forest)	2	0.8%					2			
Essex	388,782	Windsor Police Service	5	1.9%			4		1			
		OPP Essex Detachment	2	0.8%			1		1			
		OPP Essex County Detachment	1	0.4%			1					
		OPP Lakeshore Detachment	1	0.4%					1			
Middlesex †	439,151	London Police Service	11	4.1%			9	1	1			
		OPP Middlesex Detachment	1	0.4%					1			
Waterloo	507,096	Waterloo Regional Police Service	9	3.4%			8				1	
Perth	75,112	Stratford Police Service	1	0.4%							1	
TOTAL – SIU WESTERN REGION	2,259,725*	Percent of Ontario's population = 17.6%	43	16.2% †	0	0	32	1	8	0	2	0

SPECIAL INVESTIGATIONS UNIT ANNUAL REPORT 2014–2015

	POPULATION*	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURIES	FIREARM DEATHS	CUSTODY INJURIES	CUSTODY DEATHS	VEHICULAR INJURIES	VEHICULAR DEATHS	SEXUAL ASSAULT ALLEGATIONS	OTHER INJURIES/ DEATHS
SIU TORONTO REGION												
Toronto	2,615,060	Toronto Police Service	56	21.1%	2	2	27	2	9		14	
TOTAL – SIU TORONTO REGION	2,615,060*	Percent of Ontario's population = 20.3%	56	21.1% †	2	2	27	2	9	0	14	0
	POPULATION*	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURIES	FIREARM DEATHS	CUSTODY INJURIES	CUSTODY DEATHS	VEHICULAR INJURIES	VEHICULAR DEATHS	SEXUAL ASSAULT ALLEGATIONS	OTHER INJURIES/ DEATHS
SIU ALL REGIONS												
TOTAL – ALL SIU REGIONS	12,851,821	Percent of Ontario's population = 100%	266	100% †	3	6	154	12	38	6	41	6

* Population information provided by 2011 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.

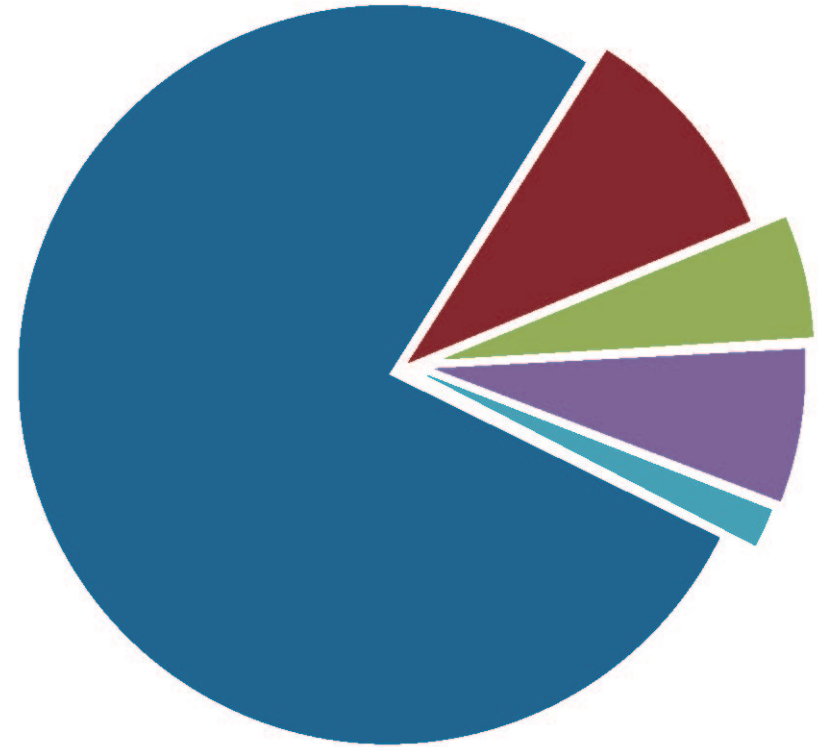
† Inconsistencies in total percentages are due to rounding.

2014–2015 FINANCIALS

Expenditures by Type

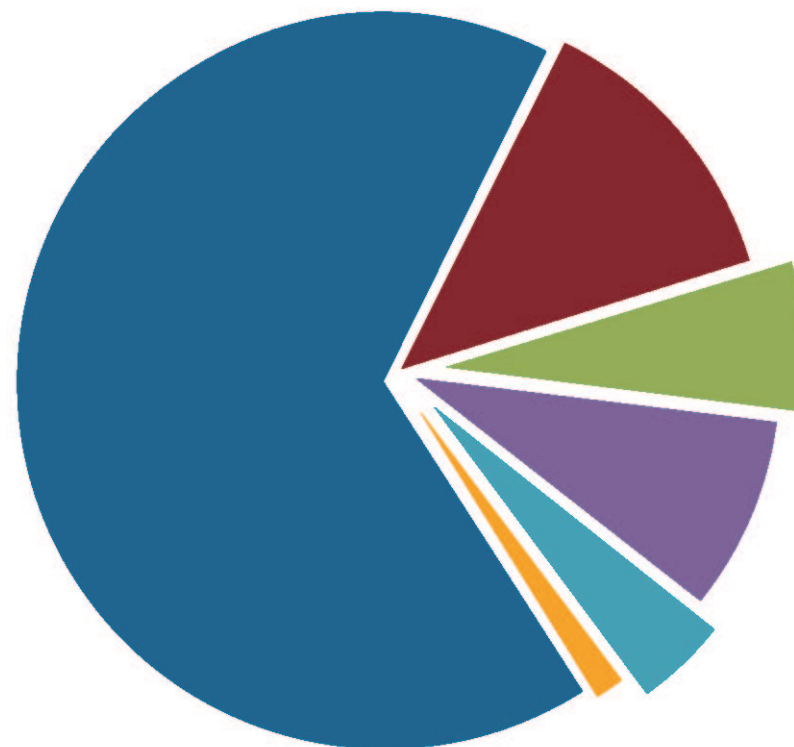
Total annual expenditures for the year ended **March 31, 2015** were **\$ 8,193,615**.

- **SALARIES AND WAGES**
\$ 6,301,196 / 77%
- **BENEFITS**
\$ 779,414 / 9%
- **TRANSPORTATION AND COMMUNICATIONS**
\$ 450,674 / 6%
- **SERVICES**
\$ 527,753 / 6%
- **SUPPLIES AND EQUIPMENT**
\$ 134,578 / 2%



Expenditures by Section

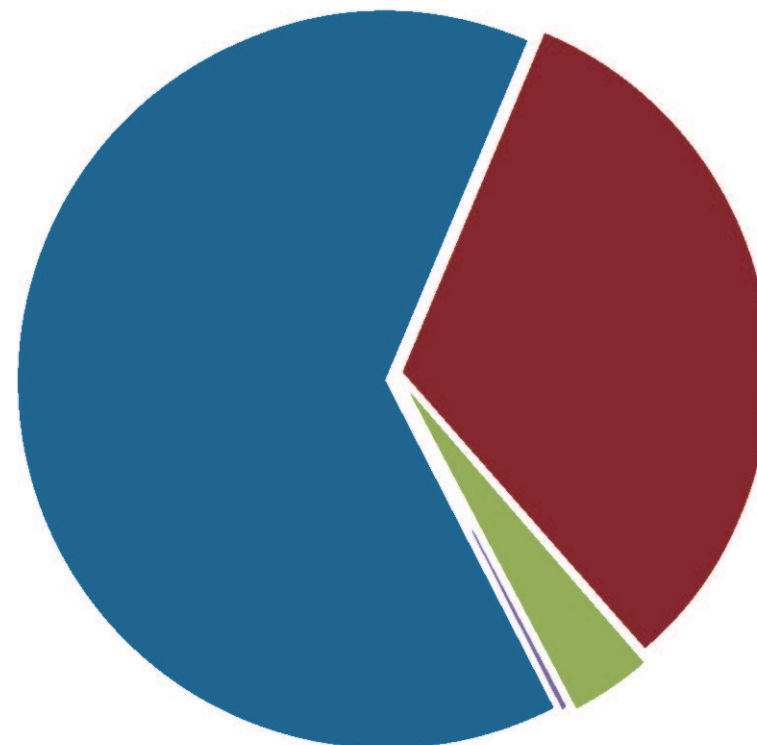
- **INVESTIGATIVE SERVICES**
(Includes Salaries/Wages and Benefits for Transcribers, Central Registry Clerk and Administrative Secretary– Investigations)
\$ 5,447,886 / 67%
- **IDENTIFICATION SERVICES**
\$ 1,043,123 / 13%
- **OFFICE OF THE DIRECTOR**
(Includes Training Expenses for Communications, Outreach and Affected Persons Coordinator)
\$ 562,695 / 7%
- **ADMINISTRATIVE SERVICES**
\$ 690,536 / 8%
- **COMMUNICATIONS, OUTREACH AND AFFECTED PERSONS**
\$ 352,584 / 4%
- **TRAINING SERVICES**
\$ 96,791 / 1%



Training Expenditures

Total expenditures of **\$ 206,627** related to training in 2014–2015 were **2.52%** of SIU's expenditures.

- **INVESTIGATIVE SERVICES**
\$ 132,099 / 64%
- **IDENTIFICATION SERVICES**
\$ 66,994 / 32%
- **OFFICE OF THE DIRECTOR**
\$ 7,256 / 4%
- **ADMINISTRATIVE SERVICES**
\$ 278 / 0%



► Percentages off slightly due to rounding



SPECIAL INVESTIGATIONS UNIT

5090 Commerce Boulevard
Mississauga, Ontario L4W 5M4

Toll-Free

Local Phone

Local Fax

1 800 787-8529

416 622-OSIU (0748)

416 622-2455

Website

www.siu.on.ca

Twitter

@SIUOntario

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