

Read about upcoming changes in oversight and our latest municipal open meeting reports in our February 2019 newsletter.

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OMBUDSMAN'S STATEMENT ON SEGREGATION AND ADAM CAPAY DECISION



Ontario Ombudsman Paul Dubé today [released a statement](#) in light of the release of Justice John Fregau's decision to stay proceedings against Adam Capay, the 26-year-old man who spent more than four years in solitary confinement (segregation) awaiting trial in Thunder Bay and Kenora:

“Justice Fregau’s decision and the release of Adam Capay have renewed discussions about the segregation of inmates in Ontario correctional facilities. For the past several years, my office has alerted the Ministry of Community Safety and Correctional Services to hundreds of complaints about the use of segregation. An increase in such complaints as well as Mr. Capay’s case led me to launch a systemic investigation in December of 2016.

“My report on that investigation, *Out of Oversight, Out of Mind*, released in April 2017, not only revealed for the first time that Mr. Capay had been in segregation for more than four years without the required monitoring or reviews, it prompted several improvements to the way the ministry tracks inmates in segregation, after the Ministry accepted all of my recommendations. However, some key matters have yet to be addressed. [...]

“The progress made thus far has benefited inmates and correctional staff, but it will not be complete if a clear definition of segregation and strict limits to its use is not set out in legislation. I remain hopeful that, as part of its commitment to improving correctional services, the government will bring such legislation into effect.”

[Read the statement here](#)

PLANS FOR NEW CHILD AND YOUTH MANDATE

Last week, Ontario Ombudsman Paul Dubé outlined his plan for assuming the investigative functions of the Provincial Advocate for Children and Youth by May 1, as mandated by recent provincial legislation.

The *Restoring Trust, Transparency and Accountability Act*, 2018 (or Bill 57) eliminates the positions of the Provincial Advocate for Children and Youth and of the French Language Services Commissioner and gives the Ombudsman the power to investigate matters formerly within their purview.

“With the added expertise of colleagues from the two former offices, we will focus on conducting high-quality investigations and bringing constructive change to these two new areas of our jurisdiction,” Mr. Dubé said. The Ombudsman will establish dedicated teams for both areas while also working within the parameters set by the legislation.

The legislation transfers investigative powers to the Ombudsman with regard to children’s aid societies and child protection matters, but not the advocacy function. Instead, the government has said that advocacy for children and youth will be co-ordinated within the Ministry of Children, Community and Social Services, and that it will create “advocacy roundtables” to that end.

[Read the full press release here](#)

A TEACHABLE MOMENT

The Ontario Ombudsman's office works hard reviewing complaints from the public and investigating systemic issues, but did you know that we also help other ombudsman organizations by sharing our expertise?



Our staff regularly participate as presenters and panelists at ombudsman training courses and continuing education events. For example, this month, Ombudsman Paul Dubé, Deputy Ombudsman Barbara Finlay, and Director of the Special Ombudsman Response Team Gareth Jones led sessions at the Forum of Canadian Ombudsman's Essentials for Ombuds course held in conjunction with Osgoode Hall Law School in Toronto. They shared their knowledge about respect and fairness for complainants, proactive ombudsmanship, and how to lead effective investigations with ombudsman and investigative staff from across the country.

**OMBUDSMAN IN QP BRIEFING:
INDEPENDENT OVERSIGHT IS A VITAL FEATURE OF DEMOCRACY**



In a recent [guest column for QP Briefing](#), an online publication covering the provincial legislature, Ombudsman Paul Dubé set out to clear up misconceptions about independent officers of the Legislature. They are a vital feature of democracy and not easily replaceable, he writes. The Ombudsman wrote the column in response to an opinion piece which suggested politicians could take on the work of watchdogs like the Ombudsman, the Information and Privacy Commissioner, and the Financial Accountability Officer.

The Ombudsman helps more than 21,000 Ontarians each year. "Not only would it be impossible for MPPs or even ministers to provide that level of service to the public, it is unrealistic in the extreme to suggest that politicians would bring public attention to the mismanagement or maladministration occurring under their watch," the Ombudsman writes. Read the entire column on our [website here](#).

WHEN IN DOUBT, OPEN THE MEETING

This month, the Ombudsman found that the [City of St. Catharines](#) violated closed meeting rules during a meeting held in June 2018. During the meeting, council discussed a proposed staff position under the "labour relations" and "negotiations" exceptions. The Ombudsman found the



discussion did not fit within either of these exceptions, and made four recommendations to help the city improve its meeting practices.

In the [City of Hamilton](#), a complaint alleged that an email exchange discussing a vacant council seat was contrary to the open meeting rules. Following an investigation, the Ombudsman determined that the exchange of emails was not a meeting according to the *Municipal Act*, as the Act's new definition of "meeting" requires that a quorum of council be present. He reminded council that in the interest of openness and transparency, municipal councils should continue to avoid conducting business outside of a formal meeting.

[Read the results of our latest investigations into closed municipal council meetings.](#)

COME FIND US!



You'll spot Ombudsman staff next month at the [Seniors Information and Active Living Fair](#) in Mississauga on March 19 (a free event for all attendees). Stop by our booth and say hello and learn more about our office! We'll be answering questions about how we work and distributing helpful resources.

FCO/ACCUO CONFERENCE 2019 REGISTRATION



The Forum of Canadian Ombudsman and The Association of Canadian College and University Ombudspersons are hosting their biennial conference this coming April 15 to 17. A [preliminary program](#) for the event is now available. Registration for this event is open [here](#). We hope to see you there! (And [follow the FCO on Twitter!](#))

ICYMI: RESOURCES FOR MUNICIPALITIES

Our new [digital municipal meeting case digest](#) is a valuable tool for navigating our Office's hundreds of decisions from municipal meeting investigations. It has been described as simple to use and flexible in finding useful and relevant information "quickly and efficiently." Check out our tutorial [here](#)!



We also recently published an updated version of our Open Meetings: Guide for Municipalities (previously known as the Sunshine Law Handbook). [Download it here](#).

CASE SUMMARY: BORN FREE

A man who was near retirement and wanted to get a passport to travel sought our help after three frustrating years of trying to obtain a birth certificate from the Office of the Registrar General. He believed he had been born at home, as there were no hospital records, but he had

no living family to confirm this. [Read about how we helped.](#)



[File a complaint online or contact us here](#)

The Ombudsman is an independent officer of the Ontario legislature who conducts oversight of provincial government agencies and municipalities, universities and school boards. Ombudsman Paul Dubé began his five-year term on April 1, 2016.

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