

## SORT Investigations Completed in 2008-2009

### *Oversight Unseen – Special Investigations Unit*



On September 30, 2008, the Ombudsman released *Oversight Unseen*, his report on his investigation into the operational effectiveness and independence of Ontario's Special Investigations Unit (SIU), the civilian agency that investigates cases of serious injury or deaths of civilians involving police officers.

The Ombudsman launched the investigation in June 2007 after receiving complaints from a number of people with family members who had been killed or injured by police. The complaints included allegations that SIU investigations lacked rigour and that the SIU was biased toward police. There were also complaints from lawyers

that the SIU was not exerting its statutory authority to require police co-operation in its investigations.

The investigation was SORT's most complex probe completed to date. It revealed that the SIU, far from being the world-class watchdog it had claimed to be, was



SEPTEMBER 30, 2008: The Ombudsman holds a news conference to release his report on the SIU, *Oversight Unseen*.

functioning more like a toothless tiger. The Ombudsman noted that its mandate lacked clarity and it needed its own constituting legislation. He also found a lack of independence in the relationship between the SIU and the Ministry of the Attorney General, with the SIU routinely having to seek the Ministry's permission in dealing with the most minor administrative matters.

The Ombudsman also identified problems with the administration of the SIU and its investigative practices that had directly contributed to a lack of public and stakeholder confidence in its investigations. Police services often failed to notify the SIU of incidents in a timely fashion as required, yet the SIU failed to take action to address this problem. Even when notified quickly, the SIU often failed to respond immediately. It also routinely let witness officers leave the scene of an incident and tolerated long delays before interviewing them.

Overall, the Ombudsman found the SIU had embraced a culture of compromise and conciliation toward the police. Most of its investigators and all managers (except the director) were former police officers, and there was disturbing evidence of tolerance of investigators wearing police accoutrements, such as rings and lapel pins. The SIU also lacked transparency, keeping a deliberately low profile and rarely releasing reports on its investigations to the public.

The Ombudsman made 46 recommendations, including that the government make legislative changes to clarify the SIU's mandate and enhance its credibility and to make failure by police to co-operate with an SIU investigation an offence.

Among his recommendations to the SIU were that it respond quickly and forcefully when police services fail to comply with their statutory requirements and that it respond to incidents in sufficient strength to ensure the integrity of investigations. He also called on the SIU to increase civilian representation in its management ranks.

Both the SIU and Ministry agreed to report back to the Ombudsman at six-month intervals on their progress in implementing his recommendations. The first reports were received from the SIU and Ministry of the Attorney General on March 31, 2009. The SIU stated that it had made significant progress so far. At the time this report was written, SORT investigators were reviewing and verifying both responses.

“Our government remains committed to ensuring effective and independent oversight of police in Ontario. Your examination of the operation and practices of the SIU will greatly assist our government in improving the police oversight system – and we look forward to working with you as we make progress in implementing your recommendations.”

– Premier Dalton McGuinty, letter to Ombudsman, October 22, 2008