



ONTARIO'S WATCHDOG  
CHIEN DE GARDE DE L'ONTARIO

## ***Oversight Undermined – Facts and highlights***

### **Special Investigations Unit**

Established **1990**

Oversees **58** police forces

Constituting authority: Section 113, *Police Services Act*.

Number of formal SIU investigations, October 18, 2008- October 31, 2011: **658**

Number of cases with police co-operation issues: **227** (more than one-third)

Number of letters by SIU director to police chiefs regarding co-operation issues: **227**

Number of substantive responses: **20**

### **Examples of co-operation issues** (See also chart on **page 48** of report)

*Cases where SIU was notified late or not at all: 50*

- OPP, September 2008: Officer breaks man's nose and own arm – SIU not notified for two months (paragraphs 41 and 129)
- Toronto, March 2009: Man Tasered four times, face fractured – SIU not notified (paragraph 40)
- Niagara, April 2009: Man with septic poisoning in cell, on life support – SIU not notified (paragraph 41)
- Toronto, November 2009: Man sent to hospital, unconscious, head wound – SIU not called for 9 hours (paragraph 40)
- Peel, June 2011: Woman bitten by police dog, ambulance called – SIU not notified (paragraphs 42 and 124)

*Cases where SIU found interference with officer note-taking and/or officers refused to discuss note preparation: 180*

- OPP, June 2009: Douglas Minty shot dead, officers told not to make notes until speaking to lawyer; same lawyer for subject and witness officers (paragraphs 1, 58-60 and throughout the report)
- OPP, June 2009: Levi Schaeffer shot dead, officers gave draft notes to lawyer but not SIU; same lawyer for subject officers and 10 others (paragraphs 1, 61-64 and throughout the report)
- OPP, June 2010: Woman shot, officers told to “do notes to counsel” next day (paragraphs 102 and 142)
- Ottawa, June 2010: 19-year-old man shot, lawyer spoke to all witness officers and “okayed all submissions” (paragraphs 102 and 144)

*Cases where SIU found other problems with co-operation (e.g., denied access to scene) and/or police conduct: 60*

- Thunder Bay, February 2009: Male officer cut clothing off 15-year-old aboriginal girl; others watched strip search, appeared to breach prisoner handling policy (paragraph 127)
- OPP, May 2010: SIU investigators were refused access to fatal shooting scene, spoke to witnesses (paragraph 119)
- York, May 2011: Officers fired 18 times at suspect in stolen vehicle, appeared to breach pursuit policy (paragraph 130)
- Toronto, August 2011: Repeated sexual assault cases involving same unit (paragraphs 131 and 142)

### **Key dates**

- **June 2007:** Ombudsman launches first investigation into effectiveness of SIU
- **September 30, 2008:** Ombudsman releases investigative report, *Oversight Unseen*
- **October 16, 2008:** Ian Scott assumes duties as new Director of SIU
- **June 2009:** Douglas Minty and Levi Schaeffer killed by police, two days apart
- **November 2009:** Minty and Schaeffer families go to court over involvement of lawyers in police note-taking and other issues related to SIU investigations
- **December 2009:** Ministry of Attorney General engages Hon. Patrick LeSage
- **September 27, 2010:** Ombudsman informs Ministry of new investigation
- **April 7, 2011:** LeSage recommendations released
- **August 1, 2011:** Regulation on three LeSage recommendations comes into force
- **November 15, 2011:** Ontario Court of Appeal decision in Minty/Schaeffer case

### **Main developments in response to recommendations in *Oversight Unseen* (2008):**

- Ministry of the Attorney General allocated **\$1.3 million** in additional funds to SIU
- SIU improved its call-out procedures and equipped investigators with mobile devices
- SIU improved tracking of and response to cases of delayed notification and other issues involving police co-operation
- SIU issued more frequent and more detailed press releases
- SIU added staff with a non-policing background to management, hired additional investigators with a non-policing background and an outreach co-ordinator
- SIU directed all staff not to wear or display police-affiliated symbols
- Protocol developed between Ministry of the Attorney General and Ministry of Community Safety and Correctional Services regarding issues of police conduct raised by SIU
- *Police Services Act* regulations amended (August 2011) to prohibit counsel representing both subject and witness officers