



ATTENTION NEWS EDITORS: For immediate release

Government failing to support police watchdog, uphold law: Ombudsman

(TORONTO – December 14, 2011) Ontario Ombudsman André Marin today renewed his call for effective legislation to support the province’s police watchdog, after his latest investigation found the responsible ministry has actively undermined it.

Rather than ensuring the Special Investigations Unit (SIU) is able to fulfill its difficult role as Canada’s only fully independent civilian police oversight body, the Ministry of the Attorney General has sought to avoid controversy, Mr. Marin concludes in his report, *Oversight Undermined*.

Among other things, the Ombudsman found Ministry officials “systematically” discouraged the SIU Director from speaking out about problems with police not meeting their duty to co-operate with the SIU in cases where they are involved in the serious injury or death of civilians. They dismissed his concerns about lawyers vetting the notes of officers involved in such cases – a practice the Ontario Court of Appeal recently ruled against. And they suppressed an SIU annual report that raised similar concerns, calling it “provocative” and not “useful.”

“Unfortunately, it is the citizens of Ontario who are the losers in this equation,” Mr. Marin says in the report. “The Ministry’s stance continues to frustrate the promise of strong and independent civilian police oversight and serves to further undermine public confidence in policing.”

This is Mr. Marin’s second investigation involving the SIU. In his 2008 report *Oversight Unseen*, he found the SIU was under-resourced, suffered from a perceived pro-police bias, and its investigations lacked rigour and transparency. He recommended it hire more investigators who were not ex-police, respond more forcefully to non-co-operative police forces and make more information about its investigations public. He also said the province should enact legislation dealing specifically with the SIU’s mandate and investigative authority.

At that time, both the SIU and the government welcomed the Ombudsman’s recommendations. The SIU has made considerable progress, Mr. Marin found. By contrast, he said, the government has only “allowed the long-standing issues impeding the SIU to fester.”

In fact, the Ombudsman’s investigation found this comment in an internal Ministry briefing note from March 2009: “As you know, the decision was made at the time of the [Ombudsman’s] report’s release that – largely due to vehement police opposition – we will not be considering the recommended legislative changes in the near term.”

The Ministry did quietly engage former Ontario Chief Justice Patrick LeSage in late 2009 to conduct confidential consultations with police officials and the SIU. Mr. LeSage issued recommendations in April 2011, three of which were implemented by the Ministry in August. However, many major issues remain unaddressed and there is still a need for “comprehensive legislative reform to ensure enhanced accountability of police oversight,” the Ombudsman found.

The Ombudsman’s investigation focused on the Ministry’s implementation of his 2008 recommendations and reviewed developments since then, including recent events and cases that illustrate the SIU’s ongoing challenges. Among his 16 recommendations, several of which originally appeared in *Oversight Unseen*, the Ombudsman urges the government to reconstitute the SIU under new legislation that clearly defines its mandate, the obligations of police forces and exactly what “serious injury” triggers an SIU investigation.

The SIU was created in 1990 as an amendment to the *Police Services Act*. Eight reviews since then – including the Ombudsman’s investigation and Mr. LeSage’s work – have suggested changes to the way it operates. “Too much time has already gone by with too little action,” Mr. Marin says in the report. “It is long past due for the SIU to be provided with the necessary powers and authority to carry out its mandate effectively, credibly and transparently. The citizens of Ontario deserve a strong civilian oversight body capable of inspiring confidence.”

-30-

Aussi disponible en français

For further information, please contact:

Linda Williamson Director of Communications Tel: 416-586-3426 lwilliamson@ombudsman.on.ca	Patricia Tomasi Communications Officer Tel: 416-586-3402 ptomasi@ombudsman.on.ca	Ashley Bursley Communications Officer Tel: 416-586-3521 abursley@ombudsman.on.ca
---	--	---