

## **Special Investigations Unit must dispel “toothless tiger” image: Ombudsman investigation finds culture of complacency at SIU**

TORONTO (September 30, 2008) – Ontario’s system of police oversight has failed to live up to its promise due to a “complacent” culture and a lack of rigour in ensuring police follow the rules, Ontario Ombudsman André Marin says in his latest special report, released today.

In *Oversight Unseen*, Mr. Marin calls for new legislation to help strengthen the province’s Special Investigations Unit (SIU), as well as sweeping internal changes to dispel “conspiracy theories” and public perceptions that the SIU has a pro-police bias.

“We heard repeatedly from SIU staff and members of the public alike that the SIU was essentially ‘toothless,’ ” Mr. Marin says in the report. “It is clear that something must be done to dispel the SIU’s image as a toothless tiger and muzzled watchdog if it is to earn the respect of police officials as well as the public at large.”

Among the serious problems the Ombudsman identified within the SIU were “endemic” delays and lack of rigour in SIU investigations, a reluctance to insist on police co-operation, and an internal culture overly influenced by a preponderance of ex-police officers among its staff.

Despite legal regulations requiring all police forces to notify the SIU immediately whenever one of their members is involved in an incident resulting in serious injury or death, the Ombudsman’s investigation found notifications are routinely delayed, sometimes by days or weeks. Interviews with “witness officers” are also often delayed, even though SIU rules state they must take place immediately and no later than 24 hours after the SIU requests them.

The Ombudsman found the SIU not only tolerates these delays and fails to demand justification for them, it also keeps no records of them. These practices fly in the face of the SIU’s motto “One Law” – stipulating that police and civilians should be treated alike in investigations – and are compounded by the SIU’s low public profile, he said. “The SIU is practically pathological in its avoidance of public controversy and consistently goes for the path of least resistance.”

The report makes 45 recommendations, including that the SIU aggressively pursue reasons for police non-co-operation, and use “whatever means are available” to diversify its workforce. The Ombudsman also recommends that the SIU director’s reports be made completely public and calls on the province to amend legislation to, among other things, make it an offence for police forces not to co-operate with the SIU.

The investigation, SORT’s largest to date, was launched in June 2007 and involved more than 100 interviews and the review of tens of thousands of pages of documents. The SIU and

Ministry of the Attorney General co-operated fully and welcomed the Ombudsman's recommendations, agreeing to report back to him on their progress in implementing them. However, Mr. Marin noted he will be "watching closely" because the SIU's commitments were "couched in vague and vapid generalities," while the Ministry's promise to consult with Ontarians on new legislation was "rather amorphous."

The SIU, a civilian agency that investigates – and is empowered to lay charges – whenever police are involved in an incident causing serious injury or death, is unique in Canada. It was established in 1990 to dispel concerns about "police investigating police." Mr. Marin's investigation marks the seventh time the SIU has been reviewed since its creation.

"The history of police oversight in Ontario is marked by successive governments reacting reflexively, whenever public controversy erupts," Mr. Marin says in the report. "Consequently, government interest in reforming the SIU has tended to be short-lived and incomplete."

Since SORT was created by Mr. Marin in spring 2005, its systemic investigations have sparked reforms to such diverse government programs as newborn screening, support for special-needs children and the disabled, compensation for crime victims, legal aid and the lottery system.

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**Full report and backgrounders can be found online at [www.ombudsman.on.ca](http://www.ombudsman.on.ca)**

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