



Ontario must crack “code of silence” among correctional officers involved in use of excessive force: Ombudsman

(TORONTO – June 11, 2013) Ontario Ombudsman André Marin today called on the Ministry of Community Safety and Correctional Services to crack the pervasive “code of silence” under which some guards in the province’s correctional institutions use excessive force against inmates and conspire to cover it up.

In *The Code*, his latest report, Mr. Marin details disturbing stories of some correctional staff who committed “brazen acts of violence” against inmates, attempted to destroy and falsify evidence, and intimidated colleagues who tried to report the perpetrators. He makes 45 recommendations to the government to end this “dysfunctional culture” and ensure such incidents are properly investigated and disciplined. The Ministry has pledged to implement the Ombudsman’s recommendations.

“It is important to remember that inmates, regardless of why they are incarcerated, are human beings deserving of respect, dignity and humane treatment,” Mr. Marin states in the report. He urges the Ministry to “focus on the malignant peer pressures that continue to influence the attitudes and actions of some correctional officers” and act aggressively to “eradicate the code of silence that threatens the security of inmates and staff alike.”

While noting that correctional institutions can often be overcrowded, understaffed and under great stress and many correctional officers do their jobs well in difficult conditions, the Ombudsman’s report reveals systemic problems in the Ministry’s own processes that have allowed the “code of silence” to fester.

“Staff who breach this code become victims themselves,” Mr. Marin points out. “They are labelled ‘rats,’ ostracized, treated as pariahs, subject to direct and covert harassment and threats, and their personal safety is put in jeopardy.”

The investigation, conducted by the Special Ombudsman Response Team, stemmed from a disturbing trend in complaints first identified by the Ombudsman’s Office in 2010 – to which Mr. Marin said the Ministry was initially slow to respond. Since the Ombudsman’s formal investigation was launched in August 2011, the Ministry has strengthened policies to improve hiring and training practices and ensure more rigorous investigation of allegations of use of force. But much more needs to be done, he says.

From January 2010 to January 2013, the Ministry confirmed excessive force in 26 of the 55 cases it investigated, the report says. Some 108 staff were disciplined; 31 of those were fired – and of those, four face criminal charges and one has been convicted.

The Ombudsman’s investigators conducted more than 180 interviews with correctional officers, their union representatives and managers, whistleblowers, inmates and Ministry officials at all levels. They also visited correctional institutions around the province and reviewed thousands of documents, photos and videos relating to incidents of use of force.

The 135-page report highlights the stories of nine inmates whose abuse by guards was inadequately addressed, and one correctional officer who paid a steep price for reporting assault by a fellow officer.

Mr. Marin’s 45 recommendations urge the Ministry to make it clear that the code of silence will not be tolerated and those who adhere to it will risk discipline and dismissal. They also call on the Ministry to:

- reduce opportunities for staff to collude to conceal unlawful force, tamper with evidence, and intimidate witnesses;
- reinforce the integrity of investigations by restricting access to evidence and preventing information from being shared;
- improve video surveillance in correctional facilities and the way video evidence is preserved; and
- clarify authorized defensive techniques for correctional staff and ensure they are properly trained in de-escalation of conflict and dealing with inmates with mental illness and special needs.

The Ombudsman also notes that some correctional officers have been openly critical of the investigation and the Ministry’s response to it so far, both in confidential interviews and on social media. Some of their Twitter comments are included in the report, decrying the “climate of distrust and animosity” in the system and the “incompetence of [management],” and stating: “Overcrowding, etc. = violence.”

Since Mr. Marin’s appointment in 2005, SORT has conducted more than 30 investigations into broad systemic problems affecting millions of Ontarians. The government has implemented almost all of his recommendations arising from these cases, including improving newborn screening, increasing lottery security and overhauling the property tax assessment system.

For the full report, backgrounders and video of the Ombudsman’s news conference, go to www.ombudsman.on.ca

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For further information, please contact:

Linda Williamson, Director of Communications, 416-586-3426, lwilliamson@ombudsman.on.ca
 Ashley Bursey, Assistant Manager, Communications, 416-586-3521, abursey@ombudsman.on.ca
 Elena Yunusov, Communications Officer, 416-586-3525, eyunusov@ombudsman.on.ca
 Laura Nadeau, Communications Officer, 416-586-3402, lnadeau@ombudsman.on.ca