



## Lottery “insiders” put on notice

With news that so-called “insiders” claimed a whopping \$198 million in Ontario lottery prizes over the past 13 years, Ontario Ombudsman André Marin has given the Ontario Lottery and Gaming Corporation (OLG) six months’ notice to clean up its act – or he’ll recommend banning all ticket retailers and OLG staff from playing the game.

“Insiders are in purgatory,” said Mr. Marin. “If they prove to be an ungovernable lot, they shouldn’t be allowed to play.”

As a follow-up to the reforms recommended in the Ombudsman’s 2007 report *A Game of Trust*, the OLG commissioned a \$750,000 study by auditors Deloitte and Touche to determine the extent of “insider” prize claims. The \$198 million total is nearly double the

amount originally reported by the OLG, which also identified six types of “potentially fraudulent” behaviours among its ticket retailers.



Press Conference, Ontario Ombudsman Office, Feb. 5/09

The Ombudsman called the report’s findings “highly disturbing” and asked the OLG to report back in six months on whether or not its latest efforts have effectively ended the potential for “insiders” to defraud players and the system. If not, he said banning the hundreds of “insid-

ers” and their families from playing lotteries might be necessary.

The OLG welcomed the Ombudsman’s announcement and also said OLG employees would be banned from playing lotteries as of April 1. It is expected to report back to the Ombudsman by early August.

## Ombudsman may renew investigation into custody-for-care claims

A disturbing spike in complaints from parents of special-needs children has raised new concerns about an issue the Ombudsman investigated in 2005: Parents being unfairly forced to turn their kids over to children’s aid societies in order to get them the care they need.

“If indeed this is happening again, then it is one of the most morally repugnant things that government has done,” Ontario Ombudsman André Marin told the *Ottawa Citizen* in February in reaction to reports that a number of parents had been told to relinquish custody of their severely disabled children so they could be put into residential care. The government had agreed to resolve this issue after Mr. Marin’s very first Special Ombudsman Response Team (SORT) investigation not 40 days after his appointment (*Between a Rock and a Hard Place* - see left).

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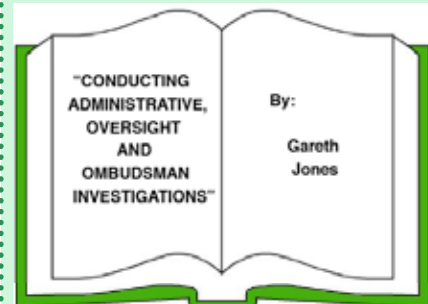
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### NEW ON THE SHELVES



Gareth Jones, founding Director of the **Special Ombudsman Response Team** and a veteran investigator for oversight agencies, is sharing his expertise on the secrets to investigative success in a one-of-a-kind book to be published in April by Canada Law Book.

*“Conducting Administrative, Oversight and Ombudsman Investigations has been needed by the global ombudsman community for at least the 30 years I have been Ombudsman. It will become a required part of my training for assistants. It is a book that should be read by all practicing ombudsmen and academics of the ombudsman institution.”* – William Angrick, Ombudsman of Iowa, President of the International Ombudsman Institute

To order a copy:  
[www.canadalawbook.ca](http://www.canadalawbook.ca)

# HOT TOPIC: Police Oversight

Bitter cold temperatures of -42C didn't stop Winnipeg residents from packing the Mount Carmel Clinic on Jan. 14 to hear Ontario Ombudsman André Marin share his views on why police should never investigate themselves.



Public Forum on Policing, Winnipeg, Manitoba, Jan. 14/09

“Strong civilian oversight of the police leads to greater confidence in the police,” Mr. Marin told the crowd of more than 100 at a public forum organized by Manitoba’s Southern Chiefs’ Organization. In attendance were individuals and representatives from First Nations groups, the provincial justice ministry, a civilian “cop watch” group, Winnipeg police, the Manitoba Ombudsman’s office and Manitoba’s Law Enforcement Review Agency.

Public interest in police oversight is particularly high in Manitoba right now because the province is rewriting its Police Services Act for the first time since the 1930s. This action was the result of a public inquiry sparked by an off-duty police officer who hit and killed a woman with his car after a night of drinking – but many in the province have been calling for a police oversight body to address concerns about police brutality and racism for 20 years.

“Manitoba is poised to become a leader in police oversight in Canada,” Mr. Marin told the forum, urging participants: “Now is the time to speak out about your concerns – your government is listening.”

While in Winnipeg, Mr. Marin also met with Manitoba Justice Minister and Attorney General Dave Chomiak, Manitoba Ombudsman Irene Hamilton and Winnipeg Police Chief Keith McCaskill to discuss what form the province’s new police oversight body might

take – and how Manitoba can learn from and build on Ontario’s experience.

“Ontario’s Special Investigations Unit (SIU) was created in a hurry, on the eve of a provincial election,” Mr. Marin said.

“Over the years, as problems have developed, there has been a quick fix here, a patch job there. [Manitoba has a chance to create strong new legislation from scratch, and to take lessons from Ontario’s 18 years of experience in police oversight.](#)”

Ontario is presently the only province in Canada that has an independent,

investigative body that oversees and investigates police when they are involved in incidents causing death or serious injury to civilians. Mr. Marin’s experience in heading the SIU as its director from 1996-98 and in investigating it, as Ombudsman, for his 2008 report ***Oversight Unseen***, gives him a unique perspective on the best (and worst) practices in oversight of police.

That’s why concerned citizens and officials in three other provinces have recently invited him to discuss the issue as they grapple with it. He was invited to Montreal last August and November to speak at public gatherings in the wake of the police shooting of a 15-year-old that sparked riots amid concerns about Quebec’s system of having an outside police force investigate in such cases – a practice Mr. Marin called “outdated.”

And in May 2008, Mr. Marin was invited to testify about police oversight in British Columbia at an inquiry into the death of a man who froze to death after Vancouver police left him in an alley. Mr. Marin said then that B.C.’s system of police investigating themselves was so out of date, it was analogous to using a “horse and buggy” at a time when provinces like Ontario “are considering upgrading to a hybrid car.”

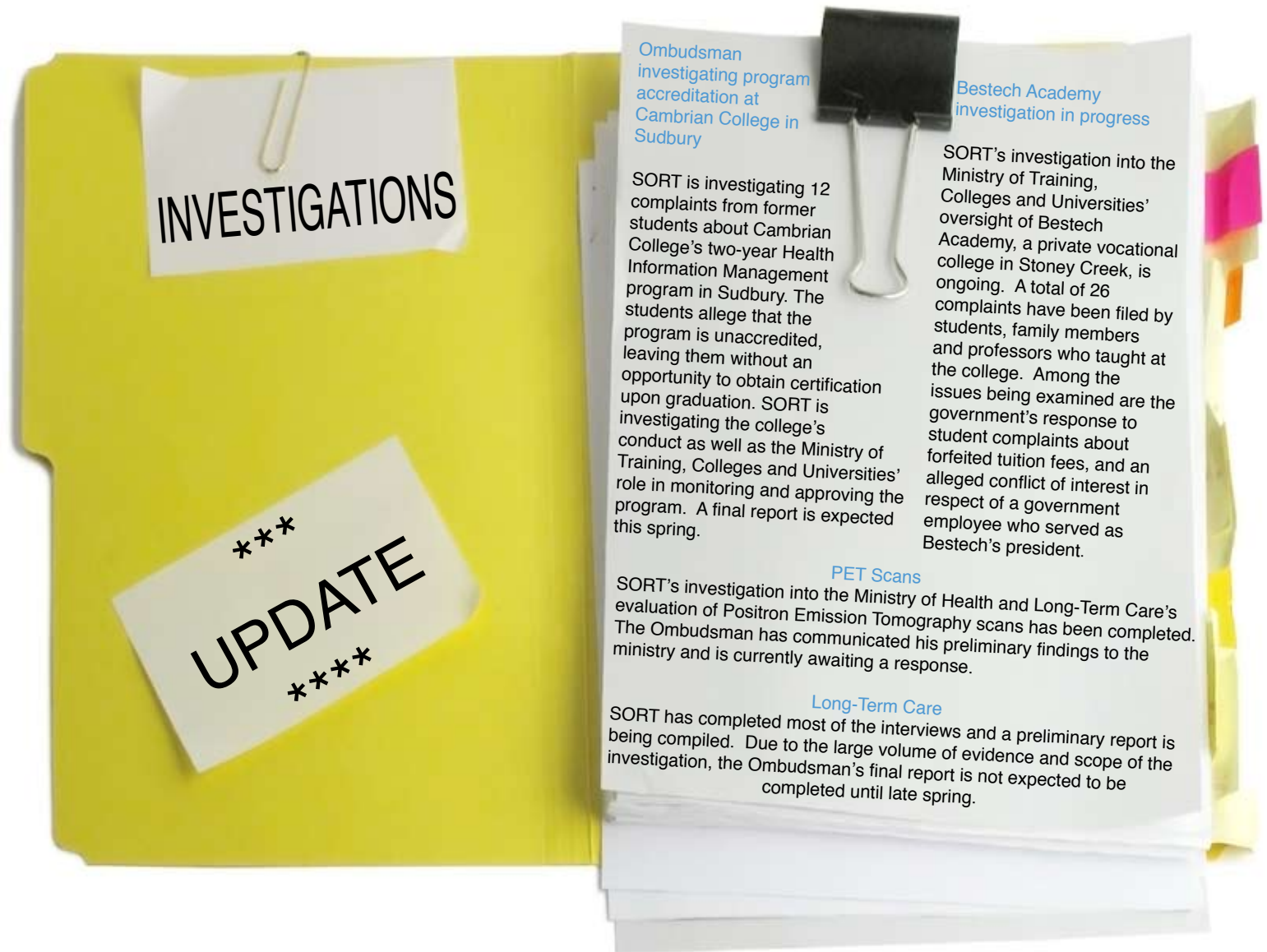
Even our national police force is “stuck in the dark ages,” he wrote in an **op-ed in the *Globe and Mail*** this past December. “When a civilian dies at the hands of the RCMP, police investigate the police.

The investigation of the Mounties who tasered the late Robert Dziekanski at the Vancouver airport just over a year ago is just one such case, and it should serve as a wakeup call.”

Meanwhile, the SIU’s six-month progress report on how it has implemented the Ombudsman’s recommendations from September 2008 is now due. At the time of the report’s release, then SIU director James Cornish stated he had “committed the SIU to a full and careful consideration of the report and to taking the necessary steps to act on the Ombudsman’s recommendations where feasible.” New Director Ian Scott as well as Attorney General Chris Bentley also supported the Ombudsman’s recommendations.

“At the end of the day, it’s imperative to have a strong oversight body overseeing police so the community can be reassured that the rule of law extends to police just as it extends to them.” – André Marin, Ombudsman of Ontario





## New closed meeting reports issued: Ombudsman finds two violations of "Sunshine Law" in townships of Emo and Nipissing

For the first time since the province's new enforcement system for open municipal meetings came into effect a year ago, Ontario Ombudsman André Marin has found two municipalities in contravention of the "sunshine law" provisions of the *Municipal Act*.

The Township of Emo was found to have violated provisions of the *Municipal Act*, in relation to a closed session held on April 8, 2008, while the Township of Nipissing was found to have held a closed meeting in violation of the *Municipal Act* provisions on April 25, 2008. **Read the full reports by clicking [HERE](#): \*\*\* Township of Emo \*\*\* \*\*\* Township of Nipissing \*\*\***

The Ombudsman investigates public complaints about closed meetings in all municipalities that have not appointed their own investigator (currently 188 municipalities). To date, the Ombudsman's Office has issued four reports. They can be found in the **Municipal Matters** section of our website under **What We Do**.

### READ MORE:

Ontario Ombudsman Senior Counsel Laura Pettigrew presented a paper on the "Sunshine Law" at the Ontario Bar Association Institute Conference in Toronto on Feb. 2. **Read it [HERE](#).**

## CASE SUMMARIES

### A near wipeout

A single mother of three children alleged that the Family Responsibility Office (FRO) had wrongly and dramatically reduced the amount of child and spousal support owed to her by her ex. He had obtained a new court order reducing his support payments due to a change in circumstances, but FRO had also wiped out the amount he owed her under the old court order.

The mother said she was owed more than \$60,000 in back support, but FRO staff told her she was now only owed \$5,400, and advised her she would have to go to court to collect the rest. This would have meant additional legal

fees for the complainant, who had already racked up a hefty legal bill and had even had to resort to collecting welfare in the past.

She had already approached her MPP, who had tried to sort out the issue with FRO without success. After the Ombudsman's staff contacted them, FRO staff agreed the debt that had accumulated before the new court order should not have been erased. FRO fixed the error and agreed to take action to collect the entire \$66,921 that was owed – including \$12,000 that would be returned to the government for the welfare that the mother had been forced to collect.

### Lifting the burden

A recent university graduate complained to the Ombudsman that she had been wrongly charged interest on her student loans for a year-long period during which she was still a student. She had attempted to resolve the problem through the Ontario Student Assistance Program (OSAP), her university's financial aid office and the National Student Loan Centre (NSLC), all to no avail.

After hearing from the Ombudsman's office, OSAP staff agreed to review her file and confirmed that her \$18,936 Ontario student loan should not have accrued interest during the time she was still in university. The Canada Student

Loans Directorate of the NSLC also agreed to reverse interest charges on the complainant's \$28,404 Canada student loan. As a result of the Ombudsman's involvement, \$1,381 in interest charges was removed from the woman's two student loan accounts and she received a refund of \$142.

The complainant wrote a thank-you letter to the Ombudsman, stating that "a huge burden [had been] lifted" as a result of his staff's help.

## Custody-for-care claims

Continued from Page 1

That report dealt with more than 100 cases – some of which when unresolved for years under the previous Ombudsman, Clare Lewis. Since then, the province has allocated more money for services for special-needs kids and restored custody to parents of 63 children. But the government did not reinstate the use of special-needs agreements, as the Ombudsman recommended; pledging instead to improve the existing system. More than a dozen new complaints have piled up, and the Ombudsman is assessing them to determine whether a new SORT investigation is warranted. "There is a certain stench that emanates from that pile," he told the Citizen. The Ombudsman is reviewing the complaints and asking parents in similar situations to contact his office. He is also in contact with the province's Child Advocate, Irwin Elman, who has received similar complaints.

## In the Community

Ontario Ombudsman staff participated in two public events in February:

**Law Day, Feb. 19, Yorkgate Mall, Toronto** - A public awareness event on the justice system that included a mock trial by judges, Crown attorneys and defence lawyers, hosted by the City of Toronto.



**Government and Community Services Fair, Feb. 28, Cloverdale Mall, Etobicoke** – A showcase of Ontario government services hosted by MPPs Donna Cansfield (Etobicoke Centre) and Laurel Broten (Etobicoke-Lakeshore).

## HOW TO COMPLAIN

The Ombudsman's Office oversees and investigates about 500 different provincial ministries, agencies, tribunals, and Crown corporations. File a complaint online or download a complaint form.

Phone: 1-800-263-1830, Fax: 416-586-3485 / TTY (teletypewriter): 1-866-411-4211

Email: [info@ombudsman.on.ca](mailto:info@ombudsman.on.ca) / Write: Ombudsman Ontario, Bell Trinity Square, 483 Bay St., 10th Floor, South Tower, Toronto, ON M5G 2C9. Please note that an appointment is recommended for in-person (walk-in) complaints. Office hours are from Monday to Friday, 9 a.m. to 4:30 p.m.