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Ontario investigative unit evolved from early mistakes to later success

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Illustrations: Colour Photo: Katie Derosa, Times Colonist / SIU investigators Glen Miller, left, and Jon Ansell go over their notes in front of a home where a man was shot and injured by Hamilton, Ont., police.; Colour Photo: Katie Derosa, Times Colonist / SIU forensic investigator Dave Klodt takes photographs while investigators Emily Watson, Glen Miller and Jon Ansell discuss evidence after a police shooting in Hamilton, Ont.

Five stern-faced investigators dressed in suits too hot for the warm fall day walk to the scene of a shooting.

Lead investigator Jon Ansell briefs the others. A Hamilton man is injured in hospital after being Tasered and then shot.

"What do you want us to do, canvass [for witnesses]?" asks Reg McKeen.

"Yes, there's a real good woman ... who saw everything," Ansell responds.

Forensic investigator Dave Klodt carefully places evidence markers on the ground next to a discharged Taser and shell casings.

The scene plays out like one from a TV police drama. But these people aren't police officers.

They are members of Ontario's Special Investigations Unit, and they investigate police officers, in this case the officer who shot the man in this quiet North Hamilton neighbourhood.

The investigators, a mix of civilians and ex-police officers, will take control of the scene, gather witness statements, examine the forensic evidence and get statements from those involved.

In the next few weeks they must determine whether the officer was justified in shooting the man. If he wasn't, he could face criminal charges.

The Special Investigations Unit is the independent body that has been investigating police-involved deaths or serious injuries in Ontario for the last 20 years. To understand how it works, I spent a week with the unit in late September.

The Special Investigations Unit is staffed by 69 investigators, 14 of whom are full-time and work out of the Mississauga headquarters. The civilians have a range of backgrounds, including former CSIS employees, investigators for the College of Physicians and Surgeons and border guards.

"What we look at is what circumstances existed when the officer used force," said Rob Watters, who came to the unit in 1998 after being a workplace safety inspector. "We don't do who done it, but why done it."

Anywhere from two to a dozen investigators, always a mix of former police and civilians, will take on a file and

try to reach a conclusion about the circumstances within 30 days.

Director Ian Scott said shooting or death cases often take longer, as they wait for a pathologist report or post-mortem.

When the investigation is complete, it is reviewed by executive director Paul Cormier, a former Halton police officer, and then sent to Scott, a former Crown prosecutor, who decides whether to charge an officer. Cormier and Scott have the power to send the file back to investigators if something has been missed.

When an officer is charged, limited details are released to the media to avoid prejudicing court proceedings, said unit spokeswoman Monica Hudon said.

However, if an officer is cleared, the unit puts out a detailed press release that explains what happened and why the officer was justified in using force.

The final report is sent to the Ministry of Attorney General and not made public.

"My view of the job is that the investigation should be independent, thorough and stand up to public scrutiny," Scott said. "If you can't satisfy those three things you won't have public confidence."

The Special Investigation Unit's logo stands out against the light grey stone and glass building that the unit shares with telecommunications giant Research in Motion in Mississauga.

In the parking lot is a massive mobile command unit, a custom-built $265,000 investigative centre on wheels. It is just one reminder of how far the unit has come from its beginnings.

The first decade of the SIU's existence was turbulent at best. In its first year, 1990, it received only $250,000 from the Ontario government. That was enough to rent a few offices in a downtown Toronto building and hire half a dozen investigators, whose desks were crammed together in an open "bullpen style" space, recalls Trish Waters, the administrative manager, who has worked with the unit from its inception.

A collection of framed editorial cartoons in the boardroom offer a glimpse into the early problems. One from the Ottawa Citizen in 1994 shows a burly Toronto police officer with a lap dog named SIU at his side. A Toronto Sun cartoon from 1998 shows a bumbling investigator tangled up in police tape.

Police departments were highly skeptical about the unit, convinced its investigators were hired to carry out witch hunts based on a political agenda.

"We were terrified, thinking, 'Who are these guys?' " remembers Jack Coruzzi, who spent 32 years as a police officer before joining the team in 2007.

Like any toddler learning to walk, the unit sometimes stumbled. Some charges against police officers were thrown out of court and several officers sued for malicious prosecution.

In 1998, Judge George Adams was hired to investigate the problems plaguing the SIU. His recommendations a year later would spark monumental changes within the organization.

Adams was concerned about vague

legislation that failed to outline, for example, when police departments should contact the Special Investigations Unit or the level of co-operation required of officers who were being investigated. Most critically, Adams found the unit had inadequate resources.

After the Adams report, a detailed policy was entrenched in legislation setting out the unit's jurisdiction and the police duty to co-operate. The unit's budget was doubled, from

$2.2 million to $5.3 million in 2002-03. Its annual budget is now

$7 million.

Many respected police officers were recruited to join the unit. Keith Woods, a former Halton police officer who now heads the unit's forensics team, said his reasons for joining then were simple: "If I'm a police officer and I'm being investigated, I would want the best person investigating me. So that's why I took this job," he said. "Having ex-police officers here, they're able to train the civilians how to investigate."

One of the unit's biggest challenges is getting to a scene quickly, either because of delayed notification by the police or because it's located in a remote northern Ontario community.

"I don't have anyone in Moosonee, I've got to send someone there," said former Guelph police officer William Curtis, who is now an investigative supervisor. "We will charter a flight to northern Ontario, because it's important for those communities to get the same service as [Toronto]."

The unit tries to address this by stationing 48 part-time employees across the province. All of them are former police officers, something that provoked sharp criticism. In a highly critical 2008 audit by Ontario ombudsman André Marin, Marin called the SIU a "toothless tiger," saying there was a heavy police bias in its investigations.

But Cormier says it's nearly impossible to attract civilians to part-time positions without a minimum number of hours, which is why the unit relies on retired police officers with comfortable pensions.

Still, many raise concerns about the impartiality of former police officers investigating other cops. Coruzzi said he tells victims' families his decision is based on facts, not on a bias toward police.

When civilian investigator Watters answers the same question, he can see a family's skepticism ease. But when he tells a police officer he's a civilian, many are convinced he's an incompetent investigator and anti-police.

The best way to conduct impartial and effective investigations, Cormier said, is to hire top investigators, both civilian and former police.

"One police chief in Ontario said in the '90s, if you're going to investigate police, your investigators should at least have equal, if not better, police investigative experience than those they're investigating," Cormier said.

Special Investigations Unit investigations are always going to be more difficult than typical police investigations, said Coruzzi.

"The standard for us is a little bit higher and we're under a lot more scrutiny from police and community groups, from defence lawyers, police associations. A lot of people are watching what we do and how we do it."

Scott thinks that's what makes his investigators better at what they do.

"There are always going to be people who are dissatisfied, who think the process is bent one way or another," he said. "If there has to be tension to get an adequate investigation, then let there be tension."

WATCHING THE DETECTIVES

Ontario's Special Investigations Unit has 55 open cases. In-custody injuries -- such as suspects injured while being arrested or booked into police cells -- make up the vast majority of the cases the SIU investigates. In 2009, the SIU investigated a record 312 cases. Of those, there were 184 in-custody injuries, 19 in-custody deaths, 29 sexual assaults, seven firearm deaths and nine firearm injuries.

"Shootings ... generate a lot of attention, but they're relatively rare," said Ian Scott, director of the unit..

That year, 14 officers were charged as a result of their actions and most of those cases are making their way through court. In 2008, only three officers were charged out of the 276 files investigated.

The Alberta Serious Incident Response Team investigates a fraction of the cases its Ontario counterpart does. It picks and chooses serious cases and ones it believes are in the public interest. Most cases are referred to the unit by police but unit director Clifton Purvis has the power to order an investigation into an incident. ASIRT investigates about 30 cases a year, half of which are in-custody deaths or injuries, half of which are corruption cases. On average, three officers a year are charged.