

Changes 'will definitely facilitate confidence' in policing and oversight, former SIU head says

Justice Michael Tulloch released report on Ontario's 3 police watchdogs with 129 recommendations

By Andrea Janus, [CBC News](#) Posted: Apr 10, 2017 10:46 AM ET Last Updated: Apr 10, 2017 10:46 AM ET

The former head of the province's Special Investigations Unit says that if implemented, the more than 100 recommendations in a major report on police oversight "will definitely facilitate confidence" in policing in Ontario.

- [Full report here](#)

Last week, Justice Michael Tulloch released his report on Ontario's three police watchdogs: the SIU, the Office of the Independent Police Review Director (OIPRD) and the Ontario Civilian Police Commission (OCPC). His report includes 129 recommendations aimed at making the three bodies more transparent and accountable.

- [Province commits to releasing all past and present SIU reports as recommended in police review](#)

Recommendations include that all oversight agencies collect demographic data, including race and religion, and release detailed reports each time an officer is cleared of wrongdoing. The report also recommends that officers involved in deaths or serious incidents not be named unless they are charged.

Ian Scott, former director of the SIU, said Monday that if the government implements all of the recommendations - "and that's a big if – it will definitely facilitate confidence in, not only police oversight, but policing in general in the province."

Scott, who led the SIU between 2008 and 2013, said he agrees with Tulloch's recommendation that officers involved in an incident involving serious injury or death of a civilian not be named. Critics have been calling for a change in that policy.

"I don't think at the end of the day the release of the name for officers who are not charged will really advance the understanding of the thoroughness of the investigation, nor the process that the director went through to decide there were no charges," Scott told CBC Radio's *Metro Morning* on Monday.

"We generally live in a society where, if you're not charged with a criminal offence, you are anonymous on that issue. I respect that, and I think it's a good position to have in a democratic society."

Following the report's release, lawyer Anthony Morgan said the names of "regular civilians" are sometimes made public, even when they are just a person of interest in a case.

"We don't worry about the stigmatization or the possible retaliation of these regular civilians," Morgan told *Metro Morning* last week.

"Also, as far as our reading and our analysis of the data, that fear that police officers claim to have is not supported in actual research or data within Canada."

Scott, however, said he must "respectfully disagree" with Morgan, arguing it's "unusual" for names of civilians to be made public during a criminal investigation when they are not charged.

If the person making the decision about charges decides against laying them, then "I see no reason why they ought to have their name disclosed to the public," Scott said.

Public sometimes 'unimpressed' by police interactions

Following the release of Tulloch's report, Ontario Attorney General Yasir Naqvi announced that the province will publish the details of every police-involved fatality dating back to 1990, when the SIU was established.

Naqvi said reports from 2005 to present-day will be available by December 2017 and reports dating back to between 1990 and 2004 will be available by summer 2018, unless the family objects.

Other recommendations for the SIU, which probes all cases of serious injury or death, or allegations of sexual assault, involving police, include:

- Releasing the director's reports of all cases where officers are cleared, including all past reports involving death. This should include a clear narrative of what happened, as well as a summary of witness statements and any photo, audio or video evidence collected.
- Ensuring at least half of the non-forensic investigators on any given investigation have no police background.
- Recruiting more civilian investigators and giving them anti-bias training.
- Investigating any time an officer fires a weapon at someone.
- Better defining the term serious injury to include any instance where someone is taken to the hospital, or suffers injuries resulting from sexual assault.

Following the release of the report, the SIU's director, Tony Loparco, said in a statement that the agency needs time to review the report thoroughly, but is committed to "take the steps required to implement the recommendations that may be legislated."

Trust remains between the public and police, Scott said, but it has been eroded particularly among First Nations communities in the north, and visible minority groups in cities like Toronto, Scott said, particularly with the advent of body cams and bystander video.

"Now people actually get to see some of these interactions between the police and the community and they are, how should I say, unimpressed," Scott said.

The report not only looks at police oversight, but the process of public complaints. Indeed, Tulloch recommends that the OIPRD be renamed and, within five years, be the sole body investigating public complaints about officers' conduct.

The agency should also track officers who are the subject of multiple complaints, and do a better job of publishing its results, the report says.

Scott noted that putting the investigation of public complaints under one umbrella and making it completely independent from individual police forces is a "massive overhaul."

"They are going to lift this entire area out of the policing community," he said. "That's a radical change."

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