



Ontario to release full reports of police officers' use of deadly force, improve oversight

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The Ontario government will publicly release reports in all cases of police using fatal force against civilians in response to a major review of police oversight bodies.

Attorney-General Yasir Naqvi announced that by the end of the year, all reports from the past decade will be posted on his ministry's website, unless families of the deceased object. Future reports by the Special Investigations Unit in cases where an officer's use of force resulted in the death of an individual, but the officer was not criminally charged, will also be released by the Attorney-General's office.

These changes come in immediate response to a wide-ranging report delivered by Justice Michael Tulloch, who in April, 2016, was tasked with delivering recommendations on how to improve transparency and accountability among the province's police oversight bodies.

"It is essential that members of the public know that the oversight bodies are doing their job and police officers are held to account for their actions," Justice Tulloch said at the report's release on Thursday. "If the operations and decisions made by the oversight bodies are not made known or available to the public, then faith in the system gets eroded."

Justice Tulloch has recommended that the SIU director's reports, which will now be public, should include a summary of the investigation's timeline; a summary of all evidence collected; video, audio and photo evidence with identifying information removed; and a detailed narrative of the event. The director should also provide his or her reasons for not laying criminal charges.

In addition to publishing past and future SIU reports, the Liberal government plans to introduce new legislation in the fall that would make the province's police oversight more independent. Mr. Naqvi also announced plans to collect race-based data from police-oversight bodies, noting that "in some communities, particularly black and Indigenous communities, historical realities have weakened the trust [between police and the public]." The rest of Justice Tulloch's 129 recommendations will be reviewed in the coming months and may be implemented in the future, Mr. Naqvi said. Justice Tulloch's report was the result of seven months of public consultations and private meetings across the province.

Perhaps the most controversial area of review for Justice Tulloch was whether or not officers in cases involving fatalities, sexual assault or serious injuries should be named. He recommended the province maintain the status quo: only naming officers who have been criminally charged and not naming officers or civilians who were witnesses. He explained this was to protect the privacy of officers involved. Most other police-oversight bodies across Canada follow this same policy.

That recommendation didn't sit well with Anthony Morgan, a black-community advocate and lawyer with Falconers LLP, a firm that has represented families of people who have died during altercations with police. He pointed out that civilians who are identified as "persons of interest" but are not charged with a crime routinely have their names publicized. Allowing police officers involved in fatal interactions with civilians to retain anonymity suggests a double standard, he said.

"We could have an officer that kills two or three people every year and it could always be justified, but the public should know we have an officer killing two or three people a year," he said.

But Justice Tulloch has also recommended there should be a coroner's inquest into the death of an individual when a police officer's use of force directly contributed to it. This would mean an officer who used deathly force could be publicly identified, even if he or she was not criminally charged.

Justice Tulloch's review was spurred in large part by high-profile cases of fatal use of force by police in recent years. In July, 2015, Andrew Loku, a 45-year-old father of five from South Sudan, was shot and killed by police during an altercation at a housing complex for those with mental-health issues. After the SIU reviewed the case, they released a brief statement that Mr. Loku had backed the officer in question into a corner and threatened him with a hammer, so the officer's use of force was justified and he or she would not face charges.

In protest of the SIU's decision not to release details of the investigation, activists with Black Lives Matter Toronto camped out for weeks outside of Toronto Police headquarters last spring. Eventually, the Attorney-General released a portion of the SIU report, but critics said key information about what happened remained under wraps and they criticized the province for not naming the officer involved.

"The fact that they're releasing all reports is a very positive step in the right direction. The fact that all previous reports are coming out is a very, very amazing thing that's about to happen," said Pascale Diverlus, a member of Black Lives Matter Toronto.

In a news release, Bruce Chapman, president of the Police Association of Ontario, said, "The PAO and its members support a strong, effective system for police oversight in Ontario. But the system must continue to treat police officers fairly throughout the course of a complaint."

The SIU's director, Tony Loparco, said in a statement that he still needed time to review the report but his agency would "take the steps required to implement the recommendations that may be legislated."