

ATTACHMENT 5

Response from the Special Investigations Unit, received via email

Dear Mr. Murray,

I thank you for reaching out to our office with respect to your consultations on the current accountability and complaints mechanisms in place at the Toronto Police Services Board and the Toronto Police Service.

As you know, the Special Investigations Unit is an independent agency of the provincial government comprised of non-police officers and tasked with the conduct of criminal investigations in cases where police-citizen interactions have resulted in serious injury (including allegations of sexual assault) or death. At the end of SIU investigations, the SIU director must lay a criminal charge against the subject officer where there are reasonable grounds to believe that she or he has committed a criminal offence. Conversely, where no such grounds exist, the director cannot lay a criminal charge. In non-charge case, the SIU publicly releases its Director's Report to the Attorney General, summarizing the investigation, its findings and the reasons for deciding charges were not warranted.

I am reluctant to offer public commentary on the efficacy of the current accountability/complaints mechanisms in place with the board and the police service. Such commentary could compromise our independence, including our perceived independence, in the eyes of the public, and detract from the credibility of the work we do. With that proviso in mind, however, I offer the following comments regarding steps that are being taken, or which are on the horizon, intended to strengthen the SIU's oversight mandate:

- Beginning on October 1, 2020, the SIU started collecting race-based data in relation to subject officers and the persons impacted by our investigations (be they the injured persons or those who have died). It is our intention to publicize the data, in a disaggregated fashion, in our annual reports year-to-year. The data collection, mandated by the *Anti-Racism Act*, will illuminate the manner in which systemic discrimination may be present in the work that is done by the SIU. The hope is that measurement will contribute to constructive action to remediate systemic racism with our justice system, including its policing and oversight institutions.
- The *Special Investigations Unit Act, 2019*, will soon take effect (anticipated date of December 1, 2020), increasing the mandate of the SIU in a number of significant ways. First, the SIU will now also investigate all firearm discharges at persons even where no serious injury or death resulted. Second, instead of just police officers falling within the SIU's jurisdiction, the SIU will now be authorized to investigate the conduct of special constables and other non-police officer members of police services. As you know, non-police officer members of police services play an important role in the overall policing services offered by police services.

I hope that these few comments may be of some use to you, and I wish you well with your consultations.

Yours truly,

Joseph Martino

Director