

MANITOBA WILL BE MAKING CHANGES TO *THE PROVINCIAL POLICE ACT* IN 2009.
THE PROVINCE INVITES MANITOBANS TO PROVIDE THEIR COMMENTS TO HELP
SHAPE THE NEW LAW. CONSULTATION PAPERS HAVE BEEN PREPARED TO HELP
OBTAIN THE VIEWS OF MANITOBANS ON THE MAJOR ELEMENTS OF THE NEW ACT.

Background: Canadian approaches to investigating police officers

Introduction

The new act will include an independent unit to investigate

- incidents involving police where the use of force results in a death
- incidents resulting in serious injury to members of the public as a result of contact with police
- other incidents or allegations against police where there is a public interest in having an independent investigation

This background document summarizes some of the approaches used in other provinces to investigate major incidents involving police officers and criminal allegations against police officers.

A consultation paper on a proposed Manitoba model has also been prepared and can be found at: www.gov.mb.ca/justice/policeact/pdf/independent_investigation_unit.pdf

How do other provinces investigate police officers?

There is no single approach used by other provinces to investigate police use of fatal force, other major incidents or criminal allegations against police officers.

Current approaches include:

Ontario

The Ontario *Police Services Act* was amended in 1990 to create a Special Investigation Unit (SIU) to conduct independent investigations when on-duty police use fatal force or allegedly cause serious injuries to a civilian. SIU does not investigate incidents involving federal police officers, such as RCMP officers.

Ontario police services must notify the SIU when a member of the public dies or suffers a serious injury as the result of contact with one of its officers. Serious injuries are defined by the SIU as:

“ Serious injuries” shall include those that are likely to interfere with the health or comfort of the victim and are more than merely transient or trifling in nature and will include serious injury resulting from sexual assault. “Serious injury” shall initially be presumed when the victim is admitted to hospital, suffers a fracture to a limb, rib or vertebrae or to the skull, suffers burns to a major portion of the body or loses any portion of the body or suffers loss of vision or hearing, or alleges sexual assault. Where a prolonged delay is likely before the seriousness of the injury can be assessed, the unit should be notified so that it can monitor the situation and decide on the extent of its involvement.

SIU is led by a civilian director and composed of:

- 12 full time investigators
- 30 part time investigators
- 10 part time forensic technicians

Many SIU investigators are retired police officers.

Ontario’s Ombudsman issued a report in September 2008 called ‘Oversight Unseen’ that made 44 recommendations to improve how the SIU works.

Further information about SIU can be found at:

- www.siu.on.ca/home.html
- www.ombudsman.mb.ca

Alberta

Alberta amended its *Police Act* in 2007 to create an independent investigation unit called the Alberta Serious Incident Response Team (ASIRT). ASIRT has jurisdiction over all sworn police officers in the province of Alberta. The RCMP in Alberta have agreed to ASIRT investigating incidents involving RCMP officers. ASIRT’s mandate is to investigate incidents or complaints involving serious injury or death of any person and matters of a serious or sensitive nature that may have resulted from the actions of a police officer. ASIRT can investigate incidents involving on and off-duty police and its mandate is broader than Ontario’s SIU.

ASIRT is lead by a civilian director who is a Crown attorney. Reporting to the director are:

- a civilian assistant director
- two civilian criminal analysts
- four civilian investigators
- 10 sworn police officers from the Calgary Police Service, Edmonton Police Service and the RCMP

The director may also use members of the public to oversee the investigative process to ensure independence.

Once an investigation has been completed, the ASIRT director reviews the results of investigations to ensure completeness and fairness. A report is then sent to a Crown attorney requesting an opinion on charges. After the director receives the opinion, he or she will decide what charges, if any, will result from the investigation.

Information about ASIRT can be found at:

www.solgps.alberta.ca/programs_and_services/public_security/policing/policing_oversight_complaints/Pages/asirt.aspx

Other Approaches

A variety of approaches are used in other provinces to investigate police use of fatal force, major incidents involving police officers and criminal allegations against police officers. For example:

Civilian monitors: Alberta, British Columbia and Saskatchewan have used civilian monitors to observe investigations of some major incidents involving police. The Commission on Public Complaints that investigates complaints against members of the RCMP has also tested the use of civilian monitors in various cases across Canada.

Using another police services: Some police services will request that other police services take over, monitor or review the results of an investigation into a major incident. This approach has been used in provinces such as British Columbia, Nova Scotia and Newfoundland. In some cases, this has included involving a police service from another province.