

# York police, SIU work well together: union

## Scathing report on investigators not case in York Region

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Staff Writer

The province's Special Investigations Unit conducts "thorough" probes and there exists a professional relationship between the unit and the York Regional Police Association, union president John Miskiw said.

While there may be differences of opinion from time to time regarding the release of some policies or documents during SIU investigations, Mr. Miskiw said he doesn't remember a time when the situation developed into an argument or confrontation.

"That is just not there in York Region," he said.

The union's lawyers provide counsel to police officers during SIU probes. Outside of the interview process, further SIU communication is done through union lawyers and management liaisons, Mr. Miskiw said, adding SIU investigators are not walking around police stations during their probe.

"I don't see a big, glaring problem with the SIU at this point," he said.

Mr. Miskiw's comments come on the heels of a 121-page report, entitled Oversight Unseen, authored by Ontario ombudsman Andre Marin.

In the report, Mr. Marin slams the civilian agency that investigates cases of serious injuries involving police, including allegations of sexual assault and deaths.

The SIU is being called on the carpet, for, among other problems, tolerating delays for interviews with witness officers to an incident. The report also made more than 40 recommendations, including that the SIU use "whatever means available" to diversify its workforce.

Mr. Marin called the agency complacent; a toothless tiger rife with endemic delays, adding legislation is needed to strengthen the SIU, including enacting internal changes to dispel, what he called, "conspiracy theories" and public perceptions the agency has a pro-police bias.

Morley Lymburner, publisher of Markham-based national law enforcement magazine Blue Line and Stouffville resident, said while he supports the idea of investigating police

action, it needs to be an independent agency to maintain public confidence.

After witnessing the stress on police officers' faces when they know the SIU will invoke its mandate and begin fanning out investigators, Mr. Lymburner, a former 25-year veteran of the Metropolitan Toronto Police, said he finds it hard to believe the agency's investigators peer through a "blue lens".

While seven of 12 of the SIU's full-time investigators have civilian backgrounds, much of the agency's day-to-day work is done by 30 so-called "as needed" investigators stationed across the province — 24 of whom are former police officers.

Members are barred from investigating forces where they previously worked, Mr. Marin's report states.

Nine of 10 forensic investigative technicians are former officers, as well as all of the supervisors and the executive officer, the report shows.

It's not all bad. "The fact that former police are carrying out the bulk of the work in SIU investigations does not automatically mean such investigations are improperly biased, of course," Mr. Marin stressed.

"In fact, during our investigation, we were unable to find any objective evidence that any individual case had been tainted by improper motives. However, the presence of so many former officers in the SIU presents sig-

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nificant challenges to maintaining the perception of independence."

There is a place for former police officers in the SIU, Mr. Lymburner argued: the unit needs people trained in law enforcement to investigate scenarios involving police.

Mr. Marin announced last year he would investigate the unit after the SIU asked for more provincial cash to deal with caseload pressures, SIU Director James Cornish said in a statement.

Earlier this year, the province granted the agency about \$700,000, which the SIU says will be used for two new entry-level investigative positions,

additional administrative staff and to fund an outreach co-ordinator, Mr. Cornish said. The unit also received one-time funding for a "mobile investigative centre", he said.

"The Ombudsman noted that there have been some investigative flaws in isolated cases," Mr. Cornish said.

"This, of course, reminds us that we must always strive to do better. As the ombudsman pointed out, when the SIU discovers a flaw in the thoroughness of an investigation or in the adequacy of its investigative practices, we take steps to redress the issues."

While no officer would shy away from being held accountable for his or her actions, the SIU process can be extremely stressful, said Supt. Tom Carrique, of York Regional Police's staff services.

"It really turns the table for (the officer) because they are being investigated as a possible offender," he said. He acknowledged that while it

is not pleasant for an officer to be subjected to an investigation, he said it is necessary and maintains public confidence.

For its part following the report's release, the Ministry of the Attorney General reiterated its commitment to the \$700,000 promised to the SIU for staffing and funding a mobile investigative centre. The province also committed, among other points, it would clarify the accountability and independence of the SIU director to ensure the unit is accountable to taxpayers but has total independence in decision-making and that it would bring issues of concern identified by the SIU to the attention of other ministries on a regular basis as they arise.

"I have confidence in the leadership and the men and women of the SIU," Attorney General Chris Bentley said in a statement.

"I also have confidence in the police officers who work hard every day to keep our streets safe."

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In the October 9th flyer, on page 6, Salton 18 bottle dual zone wine cooler valued at \$199.99 is incorrect. The correct value is \$299.99.

On page 12, Croco bath accessories are not available.

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