

Hon. Caroline Mulroney,  
Attorney General of Ontario,  
Ministry of the Attorney General,  
McMurtry-Scott Building  
720 Bay Street, 11th Floor  
Toronto, ON M7A 2S9

August 01, 2018

RE: Government of Ontario Halting the Ontario Special Investigation Unit Act

Dear Hon. Caroline Mulroney,

On March 8, 2018, Bill 175, the [Safer Ontario Act](#) (SOA), was passed, and received Royal Assent, making it a new law that would govern policing and police oversight in Ontario. On June 29, 2018, less than 24 hours before changes to the [Ontario Special Investigations Unit Act](#) (OSIUA), the Act governing the Special Investigation Unit (SIU) were to receive royal proclamation, the new Government of Ontario abruptly and unexpectedly halted the proclamation of the Act.

We, the Justice for Abdirahman (JFA) Coalition<sup>1</sup>, write to you and your colleagues to express our deep disappointment with the Government's decision to halt the implementation of the OSIUA.

We understand from the Deputy Attorney General's [memorandum](#) to the Deputy Minister of Community Safety dated June 29, 2018, that the Government wishes to review and consider the changes contained in the Safer Ontario Act. It is our position that this is an undue delay on enhancing transparency, accountability and equity in Ontario's law enforcement institutions. We urge you to take swift steps to reinstate the proclamation of the OSIUA given the extensive review process that has already been completed.

The OSIUA's proposed changes to policing and police oversight in Ontario would serve to restore respect and strengthen trust between communities and the police that serve them. Changes proposed in the Act reflect most of the [recommendations](#) made in the independent review by the Honourable Justice Michael Tulloch in April 2017 to improve Ontario's three policing oversight bodies: the Special Investigations Unit (SIU); the Office of the Independent

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<sup>1</sup> The JFA Coalition has been a leading voice in calling for fairness, transparency and accountability in Ontario's law enforcement institutions. The JFA is a coalition based in Ottawa and supported by local and national advocacy groups with the objective to obtain greater transparency, challenge racial inequity, increase support for mental health needs and bring positive change to our law enforcement institutions.

Police Review Director (OIPRD); and the Ontario Civilian Police Commission (OCPC). Justice Tulloch's Report is the result of a seven-month, consultation period that included meeting more than 1,500 individuals, hosting 17 public consultations, and over 130 private meetings. The public consultations took place in cities across Ontario, including: North York, Scarborough, York, Thunder Bay, Brampton, Mississauga, Sudbury, Ottawa, Ajax, Hamilton, Toronto, Windsor, London, Kingston, Oshawa, Thornhill, and Kitchener.

Justice Tulloch's recommendations were based on an extensive review of existing legislation, police oversight systems in other jurisdictions and past reports that were relevant to civilian police oversight in Ontario.

Throughout the review process conducted by Justice Michael Tulloch, our Coalition, joined by many others, including the [Ontario Human Rights Commission](#), provided feedback and [recommendations](#) on the review and the eventual report to the Government of Ontario. Police Associations, Police Service Chiefs and Police Boards across Ontario were also consulted in the independent review. For example, the Police Association of Ontario provided a number of [recommendations](#) to Justice Tulloch based on the experiences and knowledge of front line officers. Their suggestions were also incorporated in the final report.

In the province of Ontario, there have been at least seven other reviews that speak directly to police accountability and the SIU, going as far back as the 1988 Task Force on Race Relations and Policing:

1. [Race Relations and Policing Task Force](#), The Report of the Race Relations and Policing Task Force by Clare Lewis (Toronto: Race Relations and Policing Task Force, 1989).
2. Stephen Lewis, [Report of the Advisor on Race Relations to the Premier of Ontario](#) (Toronto: Ontario Advisor on Race Relations, 1992).
3. Roderick McLeod, Ontario, [A report and recommendations on amendments to the Police Services Act respecting civilian oversight of police](#) (Toronto: Miller Thomson, 1996).
4. George W. Adams, Consultation Report of the Honourable George W. Adams, Q.C. to the Attorney General and Solicitor General [Concerning Police Cooperation with the Special Investigations Unit](#) (Toronto: Ministry of the Attorney General, 1998).
5. Office of the Ombudsman, [Oversight Unseen: Investigation into the Special Investigation Unit's Operational Effectiveness and Credibility](#) by André Marin 2008.
6. Office of the Ombudsman, [Oversight Undermined: Investigation into the Ministry of the Attorney General's implementation of recommendations concerning reform of the Special Investigations Unit](#) by André Marin 2011.
7. Toronto Police Services, [Police Encounters with People in Crisis](#). An Independent Review Conducted by Honourable Justice (retired) Frank Iacobucci of the Supreme Court of Canada for Toronto Chief Bill Blair. (Toronto: Toronto Police Service, 2014).

Each of these reports produced similar results: promises of wide-sweeping changes, community earnestness, and years of diluted compromise or indefinable languor by policy-makers. Many of Justice Tulloch's recommendations echoed recommendations from these previous works.

With the recent experiences of Andrew Loku, Abdirahman Abdi, Dafonte Miller and Orlando Brown so fresh in the public's collective memory, the time for action is now. We expect that as the Attorney General of Ontario, you will not let the millions and millions of dollars spent to produce all of the previous reviews and reports, and simply implement much of the wisdom, and thorough analysis has come before you and which is largely reflected in the OSIUA.

For many Ontarians, public trust in law enforcement has completely eroded. The passing of the OSIUA brought a sigh of relief for many. It brought a sound, proactive, sustainable and effective framework for policing focused on community safety and well-being. It is this government's moral obligation to ensure protection and accountability for any systemic discrimination against any Ontarian.

We believe there is still an opportunity to preserve the Safer Ontario Act to protect the necessary levels of transparency and accountability all Ontarians would like to see in their police services.

We would be pleased to meet with you and work collaboratively to find common ground on this pressing and critical issue that affects the well-being of all Ontarians who want and expect greater transparency, accountability, and effectiveness of policing and police civilian oversight in our province.

Sincerely,

The Justice for Abdirahman Coalition.