Issue: Manitoba Police Act Revision

Event: A public information session January 14, 2009 sponsored by the Southern Chief's Organization and hosted by Nahanni Fontaine. SCO has a working group on police act issues.

Speaker: Andre Marin, Ontario Ombudsman and former head of Ontario SIU, provided his insight and opinions on investigating police. While some difficulties have been experienced with the SIU legislation, civilian oversight of investigations is best. With civilian oversight public confidence is strengthened, including greater public confidence in the police.

Policing, says Marin, is a difficult job and it is easy for the police to feel they are under attack. Often police are suspect of civilian decision making and have some control issues – consistant with their paramilitary roots. Police value hierarchy, discipline and loyalty – what is sometimes referred to as the "thin blue line"

The SIU mandate is restricted to investigations involving police where there has been death or serious bodily harm, including sexual assault. Marin pointed out that the SIU mandate is much more narrow than what is being discussed by Manitoba's Minister of Justice to date. The Director of SIU must be a lawyer and cannot have been a police officer. Investigators may have had police experience but cannot be currently serving in that capacity. Investigators with prior police experience are prohibited from investigating incidents which occur at their former workplace. "Civilian" investigators are sent to police collage for investigation training courses. In Ontario, about 97% of cases are resolved in favor of the police.

Marin describes as "straw men" arguments that:

- That cost is prohibitive
    - No, given the costs associated with current investigations and the high cost of public inquiries which would be lessened or eliminated under a SIU model.
- That you must have police experience to investigate the police
    - No, other than for forensics. In police-involved homicides the question is not who did it, but was it justified, which is a legal distinction.
- A luxury, because no one gets charged
    - No, the purpose is not to charge, but to satisfy the public that the use of force was or was not proper.
    - Accountability and rule of law are the reasons to have an independent investigation unit

A significant issue in Ontario, which Manitoba could avoid in their revised legislation, is in the area of when police must report an incident to SIU. The language and lack of penalties for non compliance in the Ontario act have resulted in delays in SIU being notified of occurrences where death or serious harm that Marin feels border on obstruction by police.

Attendees were advised by the host that the Province of Manitoba has engaged a former senior bureaucrat to lead the public consultation phase of the Police Act revision

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