

Policy Type: **Executive Limitations**

Policy Title: **Investigations by the Special Investigations Unit**



Policy Statement

The Board respects the role of the Special Investigations Unit (SIU) to conduct rigorous and independent investigations into police officers and select special constables and peace officers for incidents involving serious injury, death, and allegations of sexual assault or discharge of a firearm at a person. This critical form of civilian oversight supports accountability and consequently enhances the community's trust in policing institutions. Reports from the SIU are an important mechanism for the police to consider and implement organizational improvement.

Policy Application

1. If the SIU Director causes an incident to be investigated under section 15 of the *Special Investigations Unit Act, 2019* involving a member of the Durham Region Police Service, other than a Deputy Chief of Police, the Chief of Police shall investigate,
 - (a) the member's conduct in relation to the incident;
 - (b) the policing provided by the member in relation to the incident; and
 - (c) the procedures established by the Chief of Police as they related to the incident.
2. The investigation shall occur promptly, subject to the following rules:
 - a. The investigation shall not occur until the SIU investigation is complete.
 - b. If the matter that is the subject of an investigation becomes the subject of a prosecution of an offence under a law of Canada, a province or a territory:
 - i. The Chief of Police shall consult a Crown Attorney or prosecutor and, if advised by a Crown Attorney or prosecutor to do so, postpone the commencement of the investigation under this section, or suspend it, for as long as is necessary in the Crown Attorney's or prosecutor's opinion to avoid interfering with the prosecution.

- ii. Whether or not postponement or suspension is required under subparagraph i, the Chief of Police may postpone the commencement of the investigation under this

section, or suspend it, for as long as is necessary to avoid interfering with the prosecution, in the opinion of the Chief of Police.

3. The Chief of Police may request that a person who is not a member of a police service investigate a member of the Durham Regional Police Service for the purposes set out in paragraph 1 and report back on their findings, if the Chief of Police determines that it is necessary to have such a person conduct the investigation, including if it is necessary to obtain special expertise or to ensure public confidence in the investigation.

4. If the incident being investigated involves the Chief of Police or a Deputy Chief of Police, the Board shall investigate the matter as described in paragraph 1.

Reporting

The Chief of Police shall submit reports to the Board in accordance with the following:

1. If an investigation under section 15 of the *Special Investigations Unit Act, 2019* does not result in charges being laid against a member of the Durham Regional Police Service in respect of the incident, the report shall be given,

- i. within 90 days after the SIU Director publishes a report in respect of the incident under subsection 34 (1) of that Act or decides under subsection 34 (6) of that Act to not publish the report, or

- ii. if it is not possible to give the report within the time specified above, as soon as possible after that time.

2. If an investigation under section 15 of the *Special Investigations Unit Act, 2019* results in charges being laid against a member of the Durham Regional Police Service in respect of the incident, the report shall be given,

- i. within 90 days after the final disposition of the charges, or

- ii. if it is not possible to give the report within the time specified above, as soon as possible after that time.

3. If the Chief of Police is not able to give the report within the timeframe specified above, the Chief of Police shall promptly notify the Board of the fact and the reasons why.

4. Reports prepared for the Board under paragraphs 1 and 2 above shall not include the following information:

i. The name of, or any information identifying, a subject official, witness official, civilian witness or affected person, as those terms are defined in the *Special Investigations Unit Act, 2019*, in the incident.

ii. Information that may result in the identity of a person who reported that they were sexually assaulted being revealed in connection with the sexual assault.

4. The Chief of Police shall submit reports to the Board twice per year, summarizing the status of SIU investigations into members of the DRPS.

5. No later than 30 days after receiving a report under this policy, the Board shall publish the report on the Internet.