



13-16 Special Investigations Unit

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Rationale

This Procedure outlines the responsibilities of members regarding investigations where the Province's Special Investigations Unit (SIU) mandate has been or may be invoked. The *Special Investigations Unit Act* (SIUA) directs the Toronto Police Service (Service) regarding the conduct and duties of officials with respect to investigations conducted by the SIU.

Supervision

- Supervisory Officer attendance mandatory
- Chief's SIU On-Call Designated Authority attendance mandatory
- Supervisory Officer notification mandatory when a Service member is involved in an incident where the SIU mandate is or may be invoked
- Officer in Charge – TPOC notification mandatory when the SIU mandate is or may be invoked
- Duty Senior Officer notification mandatory when the SIU mandate is or may be invoked
- Chief's SIU On-Call Designated Authority notification mandatory when the SIU mandate is or may be invoked

Procedure

Wellbeing of Members

The medical and psychological wellbeing of Service members is a priority for the Service. To assist involved members in coping with an event in which the SIU mandate is or may be invoked, access, as required, to medical care and/or a representative of the Critical Incident Response Team (CIRT) / Employee Family Assistance Program (EFAP) / Peer Support Volunteer (PSV) will be provided.

Special Investigations Unit Mandate

The SIU is a civilian law enforcement agency in Ontario that has jurisdiction over municipal, regional and provincial police officers, as well as special constables employed by the Niagara Parks Commission and peace officers with the Legislative Protective Service. The SIU is independent of any police service and operates at arm's length from the Ministry of the Attorney General.

Anyone the SIU is mandated to investigate is referred to as an 'official'. Under the SIUA, the SIU Director may cause an investigation to be conducted into any incident in which any of the following occurs, to determine if the incident may have resulted from criminal conduct by an official:

- The death of a person;
- The serious injury of a person;
- The discharge of a firearm at a person (regardless of causing injury or death, and including less lethal weapons as defined in this procedure); or
- The sexual assault of a person, as reported by the person.

A person sustains a serious injury if they:

- sustains an injury as a result of which they is admitted to a hospital;
- suffers a fracture to the skull, or to a limb, rib or vertebra;
- suffers burns to a significant proportion of their body;
- loses any portion of their body;
- as a result of an injury, experiences a loss of vision or hearing; or
- sustains a prescribed injury; or
- any other injury sustained by a person that is likely to interfere with the person's health or comfort and is not transient or trifling in nature.

Chief's SIU On-Call Designated Authority Duties Relating to SIU Investigations

Per s. 30(1) of the SIUA the Chief of Police (Chief) can designate a Chief's SIU On-Call Designated Authority to assume all the duties and powers of the Chief in matters respecting an incident under investigation by the SIU. The Chief's SIU On-Call Designated Authority will direct the Service's response to the SIU investigation. The Chief has authorized the following senior officers to act in this role:

- Uniform Senior Officer – authorized in writing by the Chief of Police
- Duty Senior Officer

Professional Standards (PRS) shall have custody of the Administrative Investigation into the policies of or services provided by the Service and the conduct of police officers, as directed by s. 81(1) of the *Community Safety and Policing Act (CSPA)*.

Control of Scenes

Every member has a duty to ensure that the scene of an incident where the mandate of the SIU is or may be invoked is properly preserved from contamination or deterioration. The scene shall be protected and preserved in a manner consistent with Service procedures and usual practice pursuant to s. 20(1) of the SIUA.

Injured Parties

The medical assistance necessary for the safety and wellbeing of all injured parties remains the primary importance in all incidents. All injured parties, whether victims or suspects, shall be assisted as directed by the *Police Services Act (PSA)* and Service Governance.

Search and Seizure of Service Property by SIU

The SIU will be permitted, subject to the direction of the Chief's SIU On-Call Designated Authority, to seize any police-issued equipment, without warrant, that is relevant to an SIU investigation. Any other items can only be seized by consent or by search warrant. The Chief's SIU On-Call Designated Authority is solely responsible for the release of all equipment and documents to the SIU. Under no circumstances will equipment, documents, or memorandum books/unit-approved notebooks be surrendered to the SIU without the specific direction of the Chief's SIU On-Call Designated Authority.

Seizure of Service Firearms, Less Lethal Weapons and Conducted Energy Weapons (CEW)

In cases where Service firearms, less lethal weapons and/or CEWs are involved, all shall remain holstered, secured and handled in compliance with this procedure, relevant Chapter 15 procedures (including Procedure 15-03), and training.

The firearm and/or less lethal weapon shall be proven safe at a proving station in the presence of an SIU investigator and the Chief's SIU On-Call Designated Authority. The CEW information shall not be downloaded, altered, or modified. The cartridge and battery shall not be removed. The firearm, less lethal weapon and/or CEW may only be turned over to the SIU at the direction of the Chief's SIU On-Call Designated Authority.

In exigent circumstances, such as in the case of an injured officer, a supervisory officer shall seize and secure the firearm, less lethal weapon and/or CEW.

Seizure of Service Vehicles

Service vehicles equipped with specialized equipment and/or equipped with workplace technology devices (WTD) having access to confidential records, and Service vehicles requiring forensic examination as part of the SIU investigation must be stored in a secure location. The Chief's SIU On-Call Designated Authority is solely responsible for coordinating the release of the Service vehicle and the removal of both Service and personal equipment from the vehicle.

Seizure of Service Workplace Technology Devices and Body Worn Camera

Service-issued WTD and body worn cameras (BWC) have access to confidential records and must be stored in a secure location. The Chief's SIU On-Call Designated Authority is solely responsible for coordinating the release of these devices.

Media Releases

When an incident has occurred where the SIU mandate is invoked, release of information to the media is restricted. The Chief of Police and/or Unit Commander – Corporate Communications may make an initial release of information indicating an incident has occurred and the SIU mandate has been invoked.

Chief's Administrative Investigation

Professional Standards oversees Chief's Administrative Investigations to determine issues related to the policies of, or services provided by, the Service and the conduct of involved police officers/members.

Service subject matter experts shall be assigned Chief's Administrative Investigations. The following internal units shall be assigned Administrative Investigations:

Professional Standards	<ul style="list-style-type: none"> officer-involved firearm and less lethal weapon discharge all serious injury not listed below
Specialized Criminal Investigation – Homicide	<ul style="list-style-type: none"> death in police custody – other than an officer-involved firearm discharge
Specialized Criminal Investigation – Sex Crimes	<ul style="list-style-type: none"> allegations of sexual assault
Traffic Services	<ul style="list-style-type: none"> suspect apprehension pursuit or officer-involved collision

Service investigators may consider consulting with Equity, Inclusion and Human Rights, in accordance with Procedure 13–14, when there are potential or direct implications that a contravention of the *Human Rights Code* has occurred.

SIU Investigative Interviews

The SIU will communicate all requests directly to the Chief of Police. **The scheduling of all investigative interviews requested by the SIU shall be arranged through the PRS - SIU Liaison Section.**

The SIU has the authority to audio record, or video record on consent, official's interviews.

Representation During an Interview

Following the official completing their incident notes, section 27(1) of the SIUA entitles them to consult with legal counsel and/or a representative of the Association and to have the legal counsel and/or Association representative present during their interview with the SIU.

Subsection 27(3) of the SIUA directs Witness Officials that they may not be represented by the same legal counsel as Subject Officials.

Incident Notes

Incident notes are notes that pertain to the incident giving rise to the SIU mandate being invoked and are made in the member's memorandum book or unit-approved notebook only. Incident notes are created at the time of the event or shortly thereafter, with active input by the member. Incident notes do not include other written or electronic records of information, such as occurrence reports, arrest reports, use of force reports, duty reports, or logs. Incident notes shall only be made in memorandum books and unit-approved notebooks, unless exigent circumstances exist. Where exigent circumstances exist incident notes can be made on or documented in other mediums, consistent with the general direction on exigencies in Procedure 13–17.

The Professional Standards SIU Liaison Investigator will review on a case-by-case basis any content captured or recorded via electronic mediums, whether captured advertently or inadvertently, to determine if the content qualifies as an *incident note* (for example, content captured by a Service issued body-worn camera or in-car camera). Digital recordings do not automatically constitute incident notes. These recordings must show the information was created with intent to be incident notes and were made under exigent circumstances only.

Completion of Incident Notes

Section 21 of the SIUA requires Subject and Witness Officials to complete in full the notes for an incident in accordance with their duty. 21(3) SIUA directs that the incident notes shall be completed by the end of the official's tour of duty, except where excused by the Chief's SIU On-Call Designated Authority.

The Supreme Court of Canada (SCC) ruled in *Wood v. Schaeffer, 2013 SCC 71* that police officers are not permitted to consult with counsel before completion of their notes. As such, the following directions shall be adhered to by all police officers (both witness and subject):

- Police officers involved in events which fall under the mandate of the SIU are not permitted to consult with counsel prior to completing their incident notes;
- Police officers have a duty to prepare accurate, detailed, and comprehensive incident notes as soon as practicable after an event;
- Incident notes are to be completed and submitted before the end of the police officers tour of duty, except where excused by the Chief's SIU On-Call Designated Authority;
- If there is a need to inform a police officer of their duties and obligations under the SIUA, it will be delivered by the Chief's SIU On-Call Designated Authority or the Duty Senior Officer;
- Police officers are permitted to consult with counsel after their incident notes have been completed, and;
- Police officers remain entitled to the full benefit of legal counsel before and during the SIU interview.

Though the above ruling directs police officers, any member involved in an SIU incident shall adhere to the direction.

All incident notes are to be stored in compliance with the notes storage outlined in Procedure 13–17, subject to court requirements.

All incident notes shall be completed and delivered to the Officer in Charge (OIC) upon the completion of the member's tour of duty. Exceptions may be made in cases where there are bona fide medical reasons for not completing the incident notes. Only the Chief's SIU On-Call Designated Authority can excuse officers from immediately completing their incident notes with respect to SIU investigations.

All reports and occurrences shall be completed in accordance with the established practice, including incidents where the SIU has invoked its mandate.

Disclosure of Notes

For the purposes of disclosure to the SIU, all notes (incident notes and notes defined by Procedure 13–17) shall only be given to the PRS - SIU Liaison who will be responsible for disclosure to the SIU. Members shall not release notes or incident notes to the SIU.

Member

1. Members have a positive duty to comply with the SIUA and non-compliance can result in disciplinary actions, fines, and/or penal consequences.

General

2. Members shall be aware that communication with involved officers is regulated by the SIUA.

3. Members shall ensure all requests or inquiries related to an SIU investigation are made to the Professional Standards – Special Investigations Unit Liaison Section (PRS – SIU Liaison Section).
4. All requests for SIU personnel to participate in Service training or conferences, and any request made by the SIU for Service members to provide training, must be made through the Chief's SIU Liaison Officer. If a member of the SIU makes such a request directly to a member of the Service, the SIU shall be referred to the Chief's SIU Liaison Officer.
5. Where there are injured parties, whether victims or suspects, shall assist as directed by the PSA and Service Governance.
6. Members shall not give or receive advice to/from any involved member in relation to an SIU investigation, except when acting as a representative of the Association.
7. Members acting as a representative of the Association and offering advice to an involved member shall
 - advise the OIC of their arrival at the unit
 - respect the duties and obligations of the involved officer in keeping with the SIUA, *Wood v. Schaeffer, 2013 SCC 71*, and the direction contained in this Procedure
 - offer advice only after the involved officer has completed their notes
 - be advised that all communication with the involved officer is without privilege
8. Members acting as the CIRT Coordinator / EFAP Liaison or a CIRT/PSV representative shall
 - advise the OIC of their arrival at the unit
 - respect the duties and obligations of the involved member, in keeping with the SIUA, *Wood v. Schaeffer, 2013 SCC 71*, and the direction contained in this Procedure
 - be advised that all communication with the involved officer is without privilege
 - also comply with direction contained in Procedure 08–04

Control of Scenes

9. Where the mandate of the SIU is or may be invoked shall
 - in a manner consistent with Service procedures and usual practice pursuant to s. 20(1) of the SIUA, undertake any lawful measures that appear necessary for the purpose of protecting, obtaining or preserving evidence relating to the incident, until an SIU Investigator takes charge of the scene
 - strictly prohibit entrance to the scene, except as authorized by the Chief's SIU On-Call Designated Authority
 - under no circumstances allow the media or other public personnel within the scene perimeter without prior approval from the Chief's SIU On-Call Designated Authority

Collection of Evidence

10. Where the SIU mandate may be invoked and a lack of immediate action may jeopardize the evidence or where there is a potential hazard to the public, such evidence will be collected and preserved by Service members as detailed in Procedure 04–21.

➔ *Note: In cases where the SIU mandate is invoked, the SIU shall collect all evidence.*

Media Releases

11. Where the SIU mandate is or may be invoked, members shall not provide information to the media or participate in a media interview unless authorized by the Chief's SIU On-Call Designated Authority or the Unit Commander – Corporate Communications.

Criminal Investigations

12. Where the SIU mandate has been invoked and the circumstances that originally led to the involvement of the police requires investigation shall continue the original investigation subject to the following restrictions
- comply with s.18 of the SIUA directing that the SIU shall be the lead investigator and shall have priority over any police service in the investigation of an SIU-related incident
 - give priority to the SIU in witness interviews and the collection or inspection of evidence
 - obtain approval from the Chief's SIU On-Call Designated Authority to conduct any investigation that may conflict with the SIU mandate

Incident Notes

13. Where the SIU mandate is or may be invoked, with regards to incident notes members shall
- not consult with counsel prior to completing incident notes
- *Note: Members are permitted to consult with counsel after their incident notes have been completed. Preference for a particular counsel is not a justifiable excuse for unreasonable delay in providing the required incident notes.*
- prepare accurate, detailed, comprehensive and independent incident notes as soon as practicable after an event, consistent with the SIUA and *Wood v. Schaeffer, 2013 SCC 71*
 - complete and submit incident notes to the OIC before the end of the members tour of duty, except where excused by the Chief's SIU On-Call Designated Authority;
 - **not release notes or incident notes to the SIU**

Chief's Administrative Investigations

14. When a Chief's Administrative Investigation has commenced, at the direction of the assigned PRS SIU Liaison Investigator shall
- provide the PRS SIU Liaison Investigator a copy of their incident notes
 - make themselves available for an interview
- *Note: The exceptions provided to a Subject Official with regard to providing incident notes or attending an interview listed under the SIU criminal investigation do not apply to the Chief's Administrative Investigation. All members shall cooperate as directed by s. 81(1) of the CSPA.*

Police Officer

15. When involved in an incident where the SIU mandate is or may be invoked shall
- immediately notify a supervisory officer
- *Note: Where the seriousness of the injury cannot initially be determined, immediate notification shall be made to a supervisory officer so that the Chief's SIU On-Call Designated Authority can notify the SIU Director, per s. 15(1) of the SIUA.*
- protect and preserve the scene and all evidence
 - ensure the original investigation that gave rise to the event is completed, subject to restrictions contained in this Procedure

Incident notes

16. Where the SIU mandate is or may be invoked, with regards to incident notes shall

- comply with item 13
- consult with legal counsel and/or an Association representative only after incident notes are completed and submitted to the OIC
- not communicate directly or indirectly with any other member of the Service concerning their involvement prior to the completion of their incident notes and all SIU interviews

17. When the SIU mandate is invoked shall comply with the SIUA and this Procedure.

Seizure of Service Firearms and Less Lethal Weapons by SIU

18. When the SIU mandate is invoked and the incident involves Service firearms and/or less lethal weapons, the police officer that discharged the weapon shall

- in instances involving a handgun
 - keep handgun holstered and secure until proven safe at a proving station, in compliance with Procedure 15–03 and training, and in the presence of an SIU Investigator and the Chief's SIU On-Call Designated Authority, then
 - turn over the handgun to the SIU Investigator, at the direction of the Chief's SIU On-Call Designated Authority.
- in instances involving any other Service firearm and/or less lethal weapon
 - safely handle, secure, and maintain possession and control of the firearm and/or less lethal weapon, in compliance with training and relevant Chapter 15 procedures, and
 - unload the firearm and/or less lethal weapon in the presence of an SIU Investigator, the Chief's SIU On-Call Designated Authority and in compliance with training, then
 - turn over the firearm and/or less lethal weapon to the SIU Investigator, at the direction of the Chief's SIU On-Call Designated Authority.
- in all instances, complete applicable reports in compliance with relevant Chapter 15 procedures

Seizure of Service CEWs by SIU

19. When the SIU mandate is invoked and the incident involves Service CEWs shall

- keep the CEW holstered, secure, and handled in compliance with Procedure 15–09 and training
- not download, alter, or modify the CEW information
- not remove the cartridge and battery
- turn over the CEW to the SIU Investigator, at the direction of the Chief's SIU On-Call Designated Authority

Seizure of Service Vehicles by SIU

20. When the SIU mandate is invoked and the incident involves Service vehicles, shall

- not remove any Service equipment or personal equipment from the vehicle
- if wanting to remove personal items from the vehicle, make a request to the Chief's SIU On-Call Designated Authority prior to the vehicle being towed

Seizure of Service Workplace Technology Devices by SIU

21. When the SIU mandate is invoked and the incident involves a Service WTD shall surrender the WTD to the Chief's SIU On-Call Designated Authority or their designate.

Seizure of Service Body Worn Camera by SIU

22. When the SIU mandate is invoked and the incident involves a Service issued BWC shall surrender the BWC to the Chief's SIU On-Call Designated Authority or their designate.

SIU Investigative Interviews

23. Where the SIU contacts an officer directly to schedule an investigative interview, the officer shall
- not schedule an interview or answer any questions at that time
 - immediately notify the PRS – SIU Liaison Section
- ➔ *Note: The PRS – SIU Liaison Section shall direct all officers in relation to the SIU requests. The scheduling of all investigative interviews requested by the SIU shall be arranged through the PRS – SIU Liaison Section.*
24. When designated a Witness Official and directed to attend for an investigative interview with the SIU that has been scheduled by the PRS – SIU Liaison Section, in accordance with s. 25(2) of the SIUA, shall
- attend when the request is first made and answer all reasonable questions immediately, or
 - if there are appropriate grounds for delay attend no later than 24 hours after the request is first made
- ➔ *Note: Preference for a particular counsel is not a justifiable excuse for unreasonable delay in attending interviews.*

Non-Service Witnesses

25. Where the SIU mandate is invoked and there are non-service witnesses, shall
- segregate and transport the witnesses separately, where practicable
 - encourage the witness to remain at the scene or a police facility
 - obtain sufficient information to allow for follow-up at a later time if the witness refuses to remain at the scene or a police facility
- ➔ *Note: The SIU shall have first right to interview witnesses that relate to its mandate.*

Supervisory Officer

26. When attending an incident where the SIU mandate is or may be invoked shall
- take charge of the scene and determine the roles (only) of the involved officers
 - ensure the scene and all evidence is protected and preserved
 - segregate the involved officers
 - ensure each of the involved officers are transported separately to a designated unit, where practicable
 - ensure unauthorized persons do not question involved officers, unless there is an immediate medical requirement, or an urgency to locate outstanding suspects, or preserve evidence
 - immediately notify the OIC – TPOC
 - ensure the OIC is notified and updated on a regular basis
 - comply with the applicable portions of Procedures 08–01 and 08–04, if applicable
 - brief the Chief's SIU On-Call Designated Authority with the details of the incident
- ➔ *Note: The Administrative Investigation commences with the arrival of a supervisory officer. Any supervisory officer obtaining information from an involved officer shall do so under the compulsion of s. 81(1) of the CSPA, for the purpose of the Administrative Investigation.*
- complete applicable reports in compliance with relevant Chapter 15 procedures

Seizure of Service Firearms and Less Lethal Weapons by SIU

27. When required to seize a Service issued firearm and/or less lethal weapon shall

- do so only
 - in exigent circumstances, such as in the case of an injured officer
 - if currently certified to handle the specific firearm and/or less lethal weapon
- ➔ *Note: If not qualified to handle the firearm and/or less lethal weapon another officer who is currently qualified in the handling of the firearm and/or less lethal weapon shall perform this task.*
- do so by means of
 - seizing the whole duty belt, when the firearm is a handgun
 - seizing the firearm, for all other Service issued firearms
 - seizing the less lethal weapon
- safely handle and secure the firearm and/or less lethal weapon in compliance with training and relevant Chapter 15 procedures, including Procedure 15–03.
- unload the firearm and/or less lethal weapon in the presence of an SIU Investigator, the Chief's SIU On-Call Designated Authority, and in compliance with appropriate training
- comply with the direction of the Chief's SIU On-Call Designated Authority
- turn over the firearm and/or less lethal weapon to the SIU Investigator, at the direction of the Chief's SIU On-Call Designated Authority

Seizure of Service CEWs by SIU

28. When required to seize a Service issued CEW shall

- do so only
 - in exigent circumstances, such as in the case of an injured officer
 - if currently certified to handle the CEW
- ➔ *Note: If not qualified to handle the CEW another officer who is currently qualified in the handling of the CEW shall perform this task.*
- do so by means of seizing the whole duty belt
- safely handle and secure the CEW in compliance with Procedure 15–09 and training
- not download, alter, or modify the CEW information
- not remove the cartridge and battery
- comply with the direction of the Chief's SIU On-Call Designated Authority

Officer in Charge

29. When notified of an incident where the SIU mandate is or may be invoked shall

- ensure the OIC – TPOC is notified
- ensure a supervisor attends
- ensure the scene and all evidence has been protected and preserved
- notify their Unit Commander
- provide ongoing assistance to the members at the scene

30. When the involved officers arrive at the unit shall

- ensure the wellness of each involved officer, including their medical and psychological wellbeing
- ensure compliance with the SIUA and *Wood v. Schaeffer, 2013 SCC 71*
- segregate each officer by placing them in separate offices, where practicable

- direct all involved officers to complete their incident notes independently
 - submit all completed incident notes to the Unit Commander for storage
 - allow contact with the involved officers by only
 - authorized personnel
 - counsel and an Association representative only after notes have been completed and submitted in compliance with this Procedure and Procedure 13–17
 - brief the attending Chief's SIU On-Call Designated Authority with the details of the incident
31. When notified, or having identified, that an involved officer requires medical and/or psychological assistance shall
- immediately engage the appropriate supports, including a medical facility and/or a CIRT / EFAP / PSV representative, as necessary
 - make a memorandum book entry including details of
 - the reasons for engaging supports
 - what supports were engaged
 - any resulting delay in the completion of the involved officer's notes

Officer in Charge - TPOC

32. When notified of an incident where the SIU mandate is or may be invoked shall
- immediately notify the Duty Senior Officer – TPOC
 - immediately notify the Deputy Chief of Police (Deputy Chief) of the Command involved
 - ensure the Unit Commanders of all involved Subject and Witness Officials are notified of the SIU event

Unit Commander

33. When notified that a member under their command has been involved in an incident where the SIU mandate is or may be invoked shall
- attend the scene of the incident, if available
 - assist in the investigation, when requested
 - provide the necessary support for involved officers
 - refer to Procedures 08–01 and 08–04, if applicable
 - confer with the Chief's SIU On-Call Designated Authority, when necessary
 - confer with the PRS SIU Liaison Investigator, when necessary
 - store incident notes of designated Subject Official or Witness Official in compliance with Procedure 13-17
 - ensure all side issues
 - of a serious nature are reported to PRS
 - of a less serious nature are dealt with as soon as practicable
 - arrange for replacement of seized equipment

Manager – Fleet & Materials Management

34. When notified that a Service vehicle requires a tow related to an incident where the SIU mandate has been invoked shall ensure
- a departmental tow truck is used to tow the vehicle to a secure Service garage
 - the vehicle is stored securely until the authorized member of the Service is available to remove the radio, mobile workstation, and/or equipment at the direction of the Chief's SIU On-Call Designated Authority

➔ *Note: The removal of equipment will not occur until the SIU Investigator is in attendance, unless the SIU Investigator consents not to be present. The Chief's SIU On-Call Designated Authority is solely responsible for coordinating the release of the Service vehicle and all equipment.*

- any equipment that is removed is securely stored and replaced in the vehicle when returned
35. When a Service vehicle requires forensic examination as part of the SIU investigation, shall ensure
- the Service is towed by a departmental tow truck to either a secure Service garage or the Centre of Forensic Sciences vehicle storage area
 - no equipment is removed from the Service vehicle unless directed by the Chief's SIU On-Call Designated Authority

Professional Standards SIU Liaison Investigator

36. Shall perform such duties as required or directed by
- the Chief's SIU Liaison Officer or the Chief's SIU On-Call Designated Authority
 - the Superintendent – PRS as related to s. 81(1) of the CSPA

Seizure of Service Workplace Technology Devices / BWC by SIU

37. When in receipt of a surrendered Service WTD or BWC shall store securely until the Chief's SIU On-Call Designated Authority authorizes its release.

SIU Investigative Interviews

38. When an investigative interview is requested by the SIU shall arrange and schedule accordingly.

Incident Notes

39. Shall be solely responsible for releasing incident notes to the SIU.
40. When releasing incident notes to the SIU shall only release designated Subject Official incident notes to the SIU after obtaining consent from the Subject Official.

Chief's SIU On-Call Designated Authority

41. When authorized to act as the Chief's SIU On-Call Designated Authority shall
- perform such duties pursuant to ss. 15(1) and 15(2) of the SIUA
 - be responsible for notifying the SIU directly
 - authorize Service members entry to the scene only on an as needed basis
 - permit media or public personnel entry to the scene only upon receiving approval from the SIU Investigators to do so
 - direct and co-ordinate the release of all Service equipment, fleet and documents relevant to an SIU investigation to the SIU and facilitate its recovery
 - accept service of documents from the SIU and cause service of these documents on members, such as the "Letter of Designation"
 - co-ordinate the recovery of evidentiary material seized by the SIU
42. Where a Service vehicle is equipped with a radio and/or mobile workstation having access to confidential records and/or specialized equipment shall
- be solely responsible for coordinating the release of the Service vehicle

- provide authorization for the removal of other Service equipment and/or the officer's personal equipment from the Service vehicle prior to the vehicle being towed
- ensure a department tow truck is used to tow the Service vehicle to a secure Service garage
- ensure the removal of the radio and/or mobile workstation having access to confidential records and/or specialized equipment does not occur until the SIU are in attendance, unless the SIU consents not to be present

43. When a Service vehicle requires forensic examination as part of the SIU investigation, shall ensure the vehicle is towed by a departmental tow truck to either a secure Service garage or the Centre of Forensic Sciences vehicle storage area

Duty Senior Officer

44. When the SIU mandate is or may be invoked shall

- only in the absence of the Chief's SIU On-Call Designated Authority, be responsible for notifying the SIU directly

➔ *Note: The Duty Senior Officer must attempt to contact the Chief's SIU On-Call Designated Authority prior to initiating contact with the SIU.*

- attend the scene of the incident
- determine details of the incident by consulting with supervisory officers
- provide details of the incident to the Chief's SIU On-Call Designated Authority forthwith

45. In the absence of the Chief's SIU On-Call Designated Authority shall assume those duties if authorized, in writing, by the Chief of Police.

Supplementary Information

Governing Authorities

Provincial: Police Services Act – Part VII, Special Investigations; Community Safety and Policing Act, s. 81(1); Special Investigations Unit Act 2019.

Associated Governance

TPS Procedures: 04–21 Gathering/Preserving Evidence; 08–01 Employee and Family Assistance Program (EFAP); 08–04 Members Involved in a Traumatic Critical Incident; 13-14 Human Rights; 13–17 Notes and Reports; 15-01 Incident Response (Use of Force/De-Escalation); 15–03 Service Firearms; 15-04 C-8 Rifle; 15-05 Shotgun; 15-06 Less Lethal Shotguns; 15-08 MP5 Submachine Gun; 15-09 Conducted Energy Weapons; 15-17 In-Car Camera System; 15-20 Body-Worn Camera

Definitions

For the purposes of this Procedure, the following definitions will apply:

Administrative Investigation means a police investigation to review the policies of, or services provided by the Service and the conduct of its police officers pursuant to s. 81 (1) of the *Community Safety and Policing Act*.

Affected Person means, in relation to an incident where the Special Investigations Unit mandate has been or may be invoked, a person who died or was seriously injured, a person at whom a firearm was discharged, or a person who reported that they were sexually assaulted.

Association means the Toronto Police Association or the Toronto Police Senior Officers' Organization.

Chief's Special Investigations Unit (SIU) On-Call Designated Authority means a member of the cadre of on-call Toronto Police Service uniform senior officers that acts as the designated authority and manages the SIU event in the field on behalf of the Chief.

Chief's Special Investigations Unit (SIU) Liaison Officer means a uniform senior officer of the Toronto Police Service designated, in writing, by the Chief of Police to act as the main liaison with the SIU in all matters relating to SIU investigations. The Chief's SIU Liaison Officer oversees the Chief's SIU On-Call Designated Authority Cadre and Professional Standards SIU Liaison Section while in the field.

Critical Incident Response Team (CIRT) means the team consisting of Peer Support Volunteers coordinated through the Service to respond to incidents where critical incident stress may occur and to assist members and their families to cope after becoming involved in a traumatic critical incident. CIRT members are trained in trauma response measures and are qualified to lead defusing sessions. CIRT members are not counsellors.

Employee and Family Assistance Program (EFAP) Liaison/Critical Incident Response Team (CIRT) Coordinator means the member designated by the EFAP Committee to:

- liaise with
 - the EFAP provider and its CIRT,
 - the Toronto Police Operations Centre, Officer in Charge and/or unit commander, and the CIRT/Peer Support Volunteers (PSVs), and;
- work with CIRT/PSVs, the EFAP provider, and/or Psychological Services to co-ordinate defusing and debriefing sessions.

Firearm Discharge means when a Service member discharges a firearm in the performance of their duty, and/or discharges a Service issued firearm at any time, intentionally or unintentionally, regardless of whether it causes injury or death. This does not include firearm discharges that occur at an authorized range or under the exemption provisions.

Incident Notes means, only in relation to an incident where the Special Investigations Unit mandate is or may be invoked, notes made in the members Service-issued memorandum book or unit-approved notebook about the incident giving rise to the SIU mandate being invoked. Incident notes do not include other types of notes such as occurrence reports, arrest reports, use of force reports, duty reports, logs or canine training records. All incident notes shall be completed by the end of tour of duty, unless otherwise authorized by the Chief's Special Investigations Unit On-Call Designated Authority.

Less Lethal Weapon means, for the purposes of Procedure 13-16, an intermediate force option for which the delivery mechanism involves the discharge of a projectile from a barrelled weapon, with the intent at the time of administration **not** to cause grievous bodily harm or death. This includes the following Service-issued weapons: Less Lethal Shotgun, ARWEN, Blunt Impact Projectile (BIP), and Gas Gun (when firing a ferret round (CS gas)).

Official means (a) a police officer, (b) a special constable employed by the Niagara Parks commission, and (c) a person who is a peace officer under section 103.0.2 of the *Legislative Assembly Act*. (Per s.1 of the *Special Investigations Unit Act*).

Peer Support Volunteer (PSV) means a Service member trained in trauma response measures and available on-call to provide ongoing assistance and support to members and their families after becoming involved in a traumatic critical incident. PSVs are qualified to lead defusing sessions. PSVs are not counsellors. The PSVs will assist members to seek professional treatment, if required.

Police Officer – SIU Investigations in reference to Special Investigations Unit (SIU) investigations means a police officer engaged in the execution or purported execution of duty. Off-duty events may be subject to an SIU investigation. For example, but not limited to, the following events:

- where a police officer verbally identifies themselves as a police officer;
- where a police officer produces police identification;
- where a police officer engages in an investigation;
- where a police officer effects an off-duty detention or arrest of any person;
- where a police officer uses police equipment or property;
- where a police officer operates a Service vehicle; or
- where a police officer otherwise engages their oath of office.

The decision to contact the SIU in such circumstances will be at the discretion of the Chief's SIU On-Call Designated Authority or, in their absence, the Duty Senior Officer – Toronto Police Operations Centre.

Civilian members including Court Officers, Parking Enforcement Officers and Special Constables are not included in the definition of a police officer for the purposes of the SIU.

Professional Standards Special Investigations (SIU) Liaison Investigator means the investigator assigned to the Professional Standards - SIU Liaison Section that support the Chief's SIU On-Call Designated Authority and oversees all investigations required under s. 81(1) of the *Community Safety and Policing Act*.

Serious Injury in reference to Special Investigations Unit investigations and the *Special Investigations Unit Act* s. 1(1), means a person sustains serious injury if they:

- sustain an injury as a result of which they are admitted to a hospital;
- suffer a fracture to the skull, limb, rib, or vertebra;
- suffer burns to a significant proportion of their body;
- lose any portion of their body;
- as a result of an injury, experience a loss of vision or hearing;
- sustain a prescribed injury or any other injury sustained by a person that is likely to interfere with the person's health or comfort and is not transient or trifling in nature.

Special Investigations Unit (SIU) Mandate means that the SIU Director may cause an investigation to be conducted into any incident in which any of the following occurs, if the incident may have resulted from the criminal conduct of a Service official:

- the death of a person;
- the serious injury of a person;
- the discharge of a firearm at a person (regardless of causing injury or death, and including less lethal weapons); and/or
- the sexual assault of a person, as reported by the person.

The SIU Director may cause an investigation to be conducted if, at the time of the incident,

- the official was on duty; or
- the official was off-duty but
 - (a) engaged in the investigation, pursuit, detention or arrest of a person or otherwise exercised the powers of a police officer, special constable, peace officer or other prescribed person, as the case may be, whether or not the official intended to exercise such powers or identified themselves as a person who may exercise such powers, or

- (b) the incident involved equipment or other property issued to the official in relation to their duties.

Subject Official – SIU Investigations means, in respect of an incident referred to in SIUA ss. 15 (1), an official whose conduct appears, in the opinion of the SIU Director, to have been a cause of the incident. The Subject Official must be provided with a notice of their designation in writing.

Witness Official – SIU Investigations means an official who, in the opinion of the SIU Director, is involved in an incident referred to in SIUA ss.15 (1), but is not a Subject Official in relation to the incident. The Witness Official must be provided with a notice of their designation in writing.

Workplace Technology Device (WTD) means any computing end user device, typically with its own operating system, which can communicate to a network. This includes, but is not limited to,

- standard workstation
- mobile workstation (MWS)
- laptops/notebooks/tablets
- mobile devices
- handheld ticketing devices
- external media storage devices (hard drives, USBs, etc.)
- monitors
- printers
- photocopiers/scanners
- fax machines
- telephones and voice mail

We are dedicated to delivering police services, in partnership with our communities, to keep Toronto the best and safest place to be.

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