
VIA EMAIL: sylvia.jones@pc.ola.org

August 10, 2020

Honourable Sylvia Jones, Solicitor General
Ministry of the Solicitor General
18th Floor, 25 Grosvenor St.
Toronto, ON M7A 1Y6

Dear Solicitor General Jones:

Re: Investigation into the death of Regis Korchinski-Paquet

We are writing on behalf of the Black Legal Action Centre (BLAC) and ARCH Disability Law Centre (ARCH) to demand for an independent investigation into the death of Regis Korchinski-Paquet. Ms. Korchinski-Paquet, a Black-Indigenous woman, fell 24 storeys to her death in the presence of members of the Toronto Police Service on May 27, 2020. While the details of the police interaction with Ms. Korchinski-Paquet and what occurred during that time are still not clear, we know that her mother called police for assistance.¹

We understand that the Special Investigations Unit (SIU) is now conducting an investigation into her death. We remain concerned about the fairness, transparency, and effectiveness of the SIU process in this matter.² SIU's mandate is to "maintain confidence in Ontario's police services by assuring the public that police actions resulting in serious injury, death, or allegations of sexual assault are subjected to **rigorous, independent investigations.**"³ However, there are growing concerns over the ability of the SIU to conduct truly independent investigations for the following reasons:

¹ "Security Footage Retrieved From Highrise Where Toronto Woman Fell To Her Death | CBC News". CBC, 2020, <https://www.cbc.ca/news/canada/toronto/regs-korchinski-paquet-toronto-1.5593718>. Accessed 10 July 2020.

² It has been reported that most police watchdog investigators in the country are white and former police officers. Out of 167 police watchdog investigators in Canada, 111 are former police officers, 118 are men and 147 are white. See "Most Police Watchdog Investigators Are White And Former Officers, Canadian Press Tally Finds | CBC News". CBC, 2020, https://www.cbc.ca/news/canada/police-investigators-white-former-officers-majority-1.5620358?__vfz=medium%3Dsharebar. Accessed 11 July 2020.

³ "Special Investigations Unit -- What We Do". Siu.On.Ca, 2020, https://www.siu.on.ca/en/what_we_do.php. Accessed 10 July 2020.

1. Investigators: The majority of the investigators (including as-required investigators) have a police background.⁴ It is unconscionable that a team of mostly former police officers will be able to investigate “their own” without applying “blue-coloured glasses”.⁵
2. Findings: The majority of SIU investigations result in findings that clear officers of any wrongdoing.⁶
3. Racism and Mistrust: The existence of anti-Black and anti-Indigenous racism within Ontario policing, combined with concerns around SIU’s pro-police bias⁷, result in a lack of accountability when there is little information provided to the public regarding past and ongoing investigations. This has resulted in serious community distrust.⁸
4. Ableism: The prevalence of ableism, especially as it pertains to persons with mental health and addictions disabilities, within Ontario policing,⁹ alongside the lack of charges laid against police in the deaths of persons with mental health disabilities by SIU¹⁰ is concerning.¹¹ Despite the fact that a significant percentage of persons shot by police are persons with mental health

⁴ "Special Investigations Unit -- Our Staff". Siu.On.Ca, 2020, https://www.siu.on.ca/en/org_chart.php. Accessed 10 July 2020.

⁵ Dawson, Tyler (July 8, 2016), “Watchdogs, oversight and Ontario's thin blue line: How the stakes got so high” <https://ottawacitizen.com/news/local-news/watchdogs-oversight-and-ontarios-thin-blue-line-how-the-stakes-got-so-high>, and Doolittle, Robyn (October 1, 2008). “Ombudsman slams SIU bias”. *The Star. Toronto*.

⁶ Ontario Human Rights Commission (OHRC) study shows that Black people are disproportionately over-represented in use of forces case by police (“a Black person in Toronto was nearly 20 times more likely than a White person to be involved in a fatal shooting by the Toronto Police Service (TPS)”). However, these cases investigated by SIU rarely result in charge being laid. From 2002 to 2016, the SIU was involved in 3,932 incidents and laid charges only in 129 cases (less than 4 percent); See

Tulloch, Michael H. Report Of The Independent Police Oversight Review. 2017, <http://www.policeoversightreview.ca/ReportoftheIndependentPoliceOversightReview.pdf>. Accessed 29 July 2020. Also see

"A Collective Impact: Interim Report On The Inquiry Into Racial Profiling And Racial Discrimination Of Black Persons By The Toronto Police Service". Ontario Human Rights Commission, 2020, <http://www.ohrc.on.ca/en/public-interest-inquiry-racial-profiling-and-discrimination-toronto-police-service/collective-impact-interim-report-inquiry-racial-profiling-and-racial-discrimination-black>. Accessed 11 July 2020.

⁷ *Ibid*, Tulloch’s report, (p. 188)

⁸ A growing volume of Canadian research and previous Ontario government reports suggest that racialized communities have little confidence in a public service that is meant to serve and protect them. See "Safer Ontario Act Will Increase Distrust And Erode Police Legitimacy". *Thestar.Com*, 2020, <https://www.thestar.com/opinion/contributors/2019/02/20/safer-ontario-act-will-increase-distrust-and-erode-police-legitimacy.html>.

⁹ Ontario Human Rights Commission, *Minds That Matter: Report on the Consultation on Human Rights, Mental Health, and Addiction* (2012) at p. 100-102, online: http://www3.ohrc.on.ca/sites/default/files/Minds%20that%20matter_Report%20on%20the%20consultation%20on%20human%20rights%2C%20mental%20health%20and%20addictions.pdf

¹⁰ Ontario Ombudsman, *A Matter of Life and Death* (June 2016) at p. 9-22, online: https://www.ombudsman.on.ca/Files/sitemedia/Documents/OntarioOmbudsmanDeescalationEN_1.pdf [Ombudsman’s Report].

¹¹ Regarding the SIU, it should be further noted that Justice Tulloch states in his report at *supra* note 6, that not only are persons with mental health disabilities disproportionately impacted by incidents investigated by the SIU, but many face barriers to accessing the complaints procedures and are prevented from making complaints due to genuine fear of reprisal.

disabilities,¹² the SIU has recently stated that it has no plans to monitor or collect data of deaths by persons with mental health disabilities at the hands of the police.¹³

BLAC and ARCH are also extremely concerned with the number of people experiencing a mental health crisis across Ontario who end up dead after interactions with the police.¹⁴ In recent months, there have been a number of Black, Indigenous and racialized people who have died during wellness checks or after mental health-related calls to the police. On April 06, 2010, D'Andre Campbell, a 26-year-old Black man living with schizophrenia, was tased and shot to death by Peel Regional Police inside his home after he called police for help.¹⁵ On May 5, 2020, Caleb Tubila Njoko, a Black man from London, Ontario, fell from 15th-floor balcony after the police were called for a mental health crisis. He was pronounced dead in hospital three days later on May 8. His mother, Nelly Wendo, contacted emergency services over concerns about her son's mental health.¹⁶ On June 20, 2020, Peel Regional Police also shot and killed Ejaz Choudry, a 62-years-old man living with schizophrenia, after his family called a non-emergency line to say he was experiencing a mental health crisis.¹⁷ A mental health crisis should not be a death sentence. These killings cannot be seen separately from ongoing systemic racism within police services. Multiple comprehensive reports by independent groups such; the Ontario Human Rights Commission, and Justice Michael Tulloch's review,¹⁸ all suggest that Black and Indigenous communities are targeted and have been over-policed for a long time.

Also well documented is the disproportionate violence, discrimination, and death that persons with mental health disabilities are subjected to at the hands of police across Ontario.¹⁹ Numerous reports and coroner's inquests have recommended and advocated the use of de-escalation techniques by police when interacting with persons experiencing a mental health crises.²⁰ Despite this, very little has been

¹² Global News, *A closer look at Ontario's Special Investigations Unit, how it operates, and the data it collects*, July 7, 2020, online: <https://globalnews.ca/news/7134290/special-investigations-unit-siu-ontario-director/>

¹³ *Ibid.*

¹⁴ Data found by CBC reveals that 68 per cent of people killed in police encounters were suffering with some kind of mental illness, addiction or both. See, Singh, Inayat. "Deadly Force." *CBC news*, CBC/Radio Canada, July 29, 2020, Singh, Inayat. "Deadly Force." *CBC news*, CBC/Radio Canada, 2020, newsinteractives.cbc.ca/fatalpoliceencounters/.

¹⁵ Kelley, Mark, and Ronna Syed. "Family Of Young Black Man Killed In Brampton, Ont., Says He Was Shot By Police After Calling 911 Himself | CBC News". CBC, 2020, <https://www.cbc.ca/news/canada/toronto/fifth-estate-d-andre-campbell-police-shooting-family-1.5602503>. Accessed 12 July 2020.

¹⁶ Dubinski, Kate, and Amanda Margison. "Caleb Tubila Njoko Died Falling From A Balcony. His Mother Had Called Police For Help | CBC News". CBC, 2020, <https://www.cbc.ca/news/canada/london/caleb-tubila-njoko-died-falling-from-a-london-ont-balcony-his-mother-had-called-police-for-help-1.5596851>. Accessed 12 July 2020.

¹⁷ "Ejaz Choudry's Family Tried To Tell Police He Wasn't A Threat To Anyone, Says His Nephew | CBC Radio". CBC, 2020, <https://www.cbc.ca/radio/asithappens/as-it-happens-monday-edition-1.5622274/ejaz-choudry-s-family-tried-to-tell-police-he-wasn-t-a-threat-to-anyone-says-his-nephew-1.5622525>. Accessed 11 July 2020.

¹⁸ *Supra* note 9, online: http://www.ohrc.on.ca/en/news_centre/ohrc-interim-report-toronto-police-service-inquiry-shows-disturbing-results

¹⁹ Ombudsman's Report, *supra* note 10 at p.1-7.

²⁰ These reports include, the Ombudsman's Report; The Independent Review Conducted by the Honourable Frank Iacobucci, *Police Interactions with People in Crisis* (2014) online: https://www.torontopolice.on.ca/publications/files/reports/police_encounters_with_people_in_crisis_2014.pdf; as well as over

done to implement de-escalation.²¹ This has led to a disproportionate impact felt acutely and particularly by persons from Black, Indigenous and racialized communities. The compounding effect of these intersecting identities when interacting with police continues to have tragic consequences. Escalation by police is too often the narrative.

We believe increased transparency and accountability in Ontario's police oversight process is long overdue. In addition to establishing a full, transparent and independent investigation into the circumstances of Ms. Korchinski-Paquet's death, we urge the Government of Ontario to implement recommendations found in the Honourable Justice Tulloch's report²² and the Loku Recommendations.²³ Implementation of all the recommendations contained in these reports would be a significant step forward in terms of rebuilding public trust and, ultimately, tackling institutional racism.

We also demand that the *Comprehensive Ontario Police Services Act, 2019* be repealed.

For many members in our communities, public trust in the SIU investigation process has been completely eroded. Now is the time for an independent investigation to deliver the much-needed justice to the friends and family of Regis Korchinski-Paquet, to the other victims of police brutality, and to end the culture of impunity.

Yours truly,

Black Legal Action Centre

Per: _____

Ruth Goba
Executive Director

ARCH Disability Law Centre

Per: _____

Robert Lattanzio
Executive Director

550 recommendations that have flowed from Coroner's Inquests, many of which squarely dealt with the death of persons with disabilities at the hands of police.

²¹ Ombudsman's Report, *supra* note 10 at p. 6.

²² Tulloch's Report, *supra* note 9.

²³ Verdict of Coroner's Jury. Inquest Into The Death Of Andrew Loku - JURY RECOMMENDATIONS. 2017, <http://s3.documentcloud.org/documents/3883244/Andrew-Loku-Verdict-of-Coroners-Jury.pdf>. Accessed 29 July 2020. As well as, BLAC's June 25, 2020, statement on policing and anti-Black racism, online: <https://www.blacklegalactioncentre.ca/wp-content/uploads/2020/06/BLAC-Statement-on-Policing-and-Anti-Black-Racism-June-25-2020.pdf>