

Book review:

Conducting Administrative, Oversight & Ombudsman Investigations

By Gareth Jones, Canada Law Book, 2009
(www.canadalawbook.ca) 419 pages

By Dawn Reynolds

CONDUCTING ADMINISTRATIVE, Oversight & Ombudsman Investigations presents a lively and intelligent dissection of the art of non-criminal and systemic investigations. The book is a wakeup call to the blessedly simple elements identified by Gareth Jones, the Director of the Special Ombudsman Response Team (SORT) at the Office of the Ombudsman of Ontario, Canada, as fundamental to good investigations.

1. The investigators must be as independent as possible.
2. The investigators must be trained and experienced.
3. All potentially relevant issues must be identified and, where appropriate, pursued.
4. The investigation must be sufficiently resourced.
5. All relevant physical evidence must be identified, preserved, collected and examined as necessary.
6. All relevant documentation must be secured and reviewed.
7. All relevant witnesses must be identified, segregated where practical and thoroughly interviewed.
8. The analysis of all the material gathered in the investigation must be objective and based solely on the facts.

But, as Jones points out, “it is surprising how often these principles are neglected or outright ignored, perhaps due to ignorance, arrogance, complacency, inattentiveness or simply when too much is taken for granted.” Jones’ use of case studies illustrates the rewards of well-conducted investigations as well as the consequences of

investigations which lead to obfuscation of the truth and skepticism on the part of the public.

Chapters within the book provide helpful templates for investigators and administrators seeking to improve public service. Of particular interest is the chapter on selecting topics for and conducting systemic investigations. Jones advocates that “[I]nvestigative agencies have the power to do more than just address individual complaints.” He goes on to say, “One complaint may be symptomatic of a much bigger problem. One grievance can point to hundreds, even thousands, of similar ones, all with the same or similar root cause.” Jones provides a handy set of rationales to overcome administrative opposition to conducting such investigations, neatly laying out the long-term benefits and eventual cost-savings such investigations can wield. It is apparent he is an old-hand in doggedly pursuing the truth while gently side-stepping and persuading naysayers. And he writes with the confidence of a practiced eye for spotting fact patterns that reveal governmental patterns and practices that are unjust or, in some cases, simply absurd.

Such practices are often aided and abetted by weak investigations. Jones used the following brief news clip to underscore the necessity of interviewing all the witnesses who might have relevant information.

A US Army officer who investigated possible abuse at Guantanamo Bay after some guards purportedly bragged of beating detainees found no evidence that they mistreated the prisoners—although he did not interview any of the alleged victims, the military said yesterday. (The Toronto Star, February 7, 2007)

In response, Jones writes, “The investigator does not have to believe what the person says, of course, but the only type of investigation involving bodily harm where an investigator does not at

least try to interview the alleged victim that I am aware of is a homicide investigation and, in that instance, a tenacious investigator will ponder whether it might be worth holding a séance.”

Under a useful section on lessons learned, Jones argues for expanding complainants’ access to information about the investigations into their cases. He also recommends using published summaries to underscore the value of investigations conducted by government agencies.

Jones also provides a fascinating look into the 2007 Taser death of Robert Dziekanski at the Vancouver, B.C. airport, the media attention the case received, and the maelstrom surrounding the video footage that showed police using a Taser on Mr. Dziekanski within 25 seconds of coming into contact with the unarmed and clearly mentally disoriented subject. Jones uses the incident to provide a detailed checklist of factors to be used in gauging whether the investigation, then still pending, was conducted properly.

Perhaps it is one of the benefits of being Canadian and working within a system of oversight that is well-developed at the regional and national level, but Jones’ book fairly glistens with confidence that a government’s commitment to transparency and thoroughness is a good thing. For professionals in, and followers of, the field and practice of police oversight the book is a welcome reminder that the work we do is not only meaningful and challenging, it is fun. ■

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Gareth Jones, author of Conducting Administrative, Oversight & Ombudsman Investigations

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