

**LETTER OF EXPECTATIONS FOR
THE CHIEF CIVILIAN DIRECTOR OF THE INDEPENDENT INVESTIGATIONS OFFICE**

This letter outlines the expectations of the Attorney General with respect to the Independent Investigations Office.

Part 7.1 of the *Police Act* provides for the Independent Investigations Office's ("IIO") operational mandate for investigations into incidents involving police. That is: that the IIO, under the direction of the Chief Civilian Director ("CCD") is solely and independently responsible for investigations where it appears a person may have died or suffered serious harm as the result of the actions of an officer; or where it appears that an officer may have committed a prescribed offence. The legislation also makes it clear that it is the CCD that is responsible for oversight of these investigations and that only the CCD may exercise the powers given under the *Police Act* (or any other Act) with respect to this mandate.

In addition to the operational mandate, the statute requires the CCD to manage, administer and operate the IIO and to oversee the investigations that the IIO is required to conduct [38.04].

Part of the management, administration and operational function of the IIO is linked to the provisions of the *Police Act* that establish the IIO within the Ministry of Attorney General [38.02]. This means that the IIO is accountable to the Attorney General (and thereby the Deputy Attorney General). The Attorney General is, in turn, accountable to the Legislative Assembly with respect to the compliance of the IIO with respect to government-wide requirements relating to Cabinet direction and financial management.

In combination, these provisions mean that the IIO is considered to be part of regular government operations, thereby invoking certain government-wide requirements to which the IIO must adhere. The CCD responsible for the IIO must also ensure these requirements are met as part of the management, administration, and operation of the office. This letter outlines the government-wide requirements that the CCD and the IIO will be responsible for meeting.

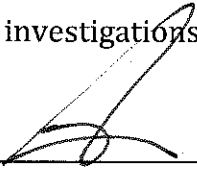
1. Communications, Policy Development and Information Sharing:

- a. The CCD will advise the Deputy Attorney General of issues or events that he reasonably expects will be of concern to the Ministry, to the extent that the reporting of those issues would not interfere with the ability of the IIO or the CCD to exercise its statutory obligations.
- b. The IIO will participate in consultations with the Ministry in relation to proposals to amend legislation or regulations that will have significant impact specific to the IIO.

- c. The IIO will advise the Deputy Attorney General if he identifies policy or legislative issues related to the IIO that, in his opinion, should be addressed by the Ministry.
 - d. The IIO will issue all communications relating to specific investigations and IIO operations.
 - e. The IIO will participate in consultations with the Ministry in relation to communications about government funding of the IIO.
 - f. Subject to the discretion of the CCD, and subject to legal constraints, the IIO will enter into information sharing agreements with other investigative agencies, such as but not limited to, the Coroner's Service, in order to facilitate and improve efficiency in parallel investigations.
 - g. The IIO will recommend policy to the Attorney General and seek policy advice from the Attorney General in relation to initiatives concerning IIO operations.
2. The IIO will maintain an open dialogue with police agencies, the public and communities in relation to the activities and operations of the IIO.
 3. General Operational Expectations:
 - a. The CCD will ensure that the IIO complies with the government's public reporting and accountability standards, including the *Financial Administration Act*, the *Budget Transparency and Accountability Act*, and the *Balanced Budget and Ministerial Accountability Act*.
 - b. The CCD will ensure that the IIO meets the requirements of all applicable financial management legislation and Cabinet and Treasury Board Directives.
 - c. The CCD will ensure IIO compliance with all applicable Ministry policies and procedures, including human resource, financial, and administrative policies.
 - d. The CCD will prepare materials necessary for estimates and budget allocation to be reviewed and approved by the Deputy Attorney General within timelines as directed by the Deputy Attorney General.
 - e. The CCD will support the Attorney General in reporting to the Legislature and Cabinet on the affairs of the IIO.

- f. The CCD will meet with the Deputy Attorney General to discuss matters of mutual concern, including reporting on the extent to which the IIO is meeting its mandate and policy or systemic issues raised in reports or elsewhere.
 - g. The CCD will submit the IIO Annual Report for the preceding fiscal year to the Deputy Attorney General no later than May 31 of each year. The Deputy Attorney General will review the report to ensure it meets all criteria specified in the Act. In addition to the legislated reporting requirements, the IIO Annual Report will include: a message from the CCD, a description of the IIO's structure, mandate, purpose and principles, a description of the investigative process, development of performance measure indicators, and basic budget information.
 - h. The CCD will not make the IIO Annual Report publicly available without receiving prior approval from the Attorney General.
 - i. If the CCD reasonably expects that the costs of the IIO will diverge from the estimates provided to the Ministry, the CCD will advise the Deputy Attorney General as soon as this divergence is forecasted, and will provide such information as the Deputy Attorney General requires in relation to the reason for the divergence and the measures being taken to mitigate the divergence.
4. In addition to the government-wide requirements that the CCD and the IIO must adhere to, it is expected that the CCD will meet his statutory obligations as set out in the *Police Act*. Examples of such obligations include carrying out investigations under Part 7.1 of the *Police Act*, hiring staff and investigators, making reports to Crown counsel, making annual reports, and complying with requests of the Special Committee of the Legislature, all of which must be done in accordance with the *Police Act*.
5. The CCD will ensure that the IIO implements a system of performance measures and reporting including creating goals with respect to timelines.
6. Administrative Expectations:
- a. The CCD will work with the Executive Director of Criminal Justice and Legal Access Policy Division as the primary point of contact between the Ministry and the IIO for policy and legislative matters, and will inform the Executive Director of financial matters that are reasonably related to policy and legislation.

- b. The CCD will work with the Executive Director and Chief Financial Officer of the Corporate Management Services Branch as the primary point of contact between the Ministry and the IIO for financial reporting matters.
7. The CCD will, upon request, supply aggregate data or other aggregate information about IIO operations from time to time, such as the number and frequency of investigations, types of investigations, and outcomes of investigations. For greater certainty, this does not include information about any ongoing investigation or other information that would adversely impact the way in which the IIO conducts its investigations.



Richard J. M. Fyfe, Q.C.
Deputy Attorney General

MAR 07 2013

Date

Acknowledged by:



Richard Rosenthal
Chief Civilian Director
Independent Investigations Office

MAR 12, 2013

Date