



TERMS of REFERENCE

For

CIVILIAN MONITOR

Regarding the September 10, 2012 death of
Gregory Matters involving members of the
RCMP in Prince George, B.C.

IIO 12-09-0002

Terms of Reference for the Civilian Monitor appointed June 14, 2014

Statutory Authority

The *Police Act* sets out the statutory authority for this appointment:

Section 38.08

- The Chief Civilian Director may appoint a person who is not a current or former member of a police force in British Columbia or the Royal Canadian Mounted Police to review and assess the integrity of a specific investigation in accordance with this section and the terms of reference, if any, established by the Chief Civilian Director in the appointment.
- A Civilian Monitor is not entitled to participate in, attend or conduct an Independent Investigations Office investigation under this Part, but the Civilian Monitor
 - is entitled access at reasonable times to any record of the Independent Investigations Office that is directly related to the investigation in respect of which the Civilian Monitor is appointed and the duty of the Civilian Monitor described in subsection (2) (a) in respect of that investigation, and
 - may request an interview with, or statement from, a staff member of the Independent Investigations Office or an IIO investigator in order to assist the Civilian Monitor in the performance of that duty.
 - and within 30 days after the conclusion of the investigation in respect of which the Civilian Monitor is appointed, the Civilian Monitor must provide a written report to the Chief Civilian Director respecting the Civilian Monitor's assessment of the integrity of the investigation.
 - and if a Civilian Monitor considers it necessary or advisable at any time before the conclusion of the investigation in respect of which the Civilian Monitor is appointed, the Civilian Monitor may provide an interim report to the Chief Civilian Director respecting the Civilian Monitor's assessment of the integrity of the investigation.

Background

Pursuant to that authority, on June 14, 2014 the Chief Civilian Director (CCD) appointed Mark Jette to review the investigation of an RCMP officer-involved shooting which resulted in the death of Gregory Matters in rural Prince George on September 10, 2012.

The Independent Investigations Office (IIO) was notified of the shooting shortly after it occurred and deployed investigators to the scene. This was the first investigation undertaken by the IIO, an office which was opened for operations only hours before the shooting of Mr. Matters.

An investigation followed leading to a public report dated April 29, 2013 from the Chief Civilian Director finding that there was no evidence that any officer had committed an offence in the shooting of Mr. Matters.

A Coroner's Inquest was convened on October 7, 2013 and continued until October 11 when it was adjourned to January 27, 2014 and concluded on January 30. The inquest heard testimony of many witnesses who had been interviewed by the IIO investigators as well as hearing some evidence that was not available to the CCD at the time of his original decision.

In addition, questions were raised by counsel for the family of Mr. Matters as well as three civil liberties organizations about the original public report from the Chief Civilian Director and a review was requested. As a result of the questions raised and the new evidence from the inquest the Chief Civilian Director reviewed all of the additional information presented at the Inquest and reconsidered the evidence as a whole to determine whether a different outcome was appropriate.

On May 22, 2014 the Chief Civilian Director published a supplementary public report that confirmed his original conclusion that no officer had committed an offence in the shooting of Mr. Matters. This report was posted on the IIO website on June 6, 2014 after allowing time for review of embargoed copies by various participants including the family of Mr. Matters, his counsel, the RCMP and the subject officers.

On May 27, 2014 a complaint was sent to the Deputy Attorney General alleging that the integrity of the IIO investigation of the death of Mr. Matters had been compromised by actions during and after the investigation by the Chief Civilian Director and other members of the Independent Investigations Office.

On June 13, 2014 these allegations were provided to the Chief Civilian Director for his response and this resulted in the appointment of a Civilian Monitor.

Terms of Reference

1. Review the complaint of May 27, 2014 and identify any allegations that, if true, would support a conclusion that the investigation or the investigative procedures followed lacked integrity. Assess the evidence and determine whether the integrity of the investigation was impacted.

2. Review the questions raised about the initial public report by the Independent Investigations Office, as noted above, and consider the findings of the Chief Civilian Director addressing these issues in the supplementary report, to determine the integrity of the public reporting process.

Process of the Civilian Monitor's Review

Without limiting the ability of the Civilian Monitor to assess the integrity of the investigation by considering other matters he shall:

1. Review the investigative file of the Independent Investigations Office into the death of Mr. Matters.

2. Interview any staff member of the Independent Investigations Office as required; including any former staff members who he feels should be interviewed in order to inform his review.

3. Retain any expert he feels necessary to inform his conclusions about the investigation conducted into the death of Mr. Matters in order to allow him to make an assessment of the integrity of the investigation.

Report

The Civilian Monitor shall provide a report in writing within thirty days of the completion of his review of the investigation. If the Civilian Monitor is unable to complete a final report prior to September 30, 2014, he will notify the Chief Civilian Director of such fact, explain in writing the circumstances underlying any delay in the completion of the report and provide an estimated time of completion.

The Chief Civilian Director will forward any communication in that regard to the Deputy Attorney General and the Director of Police Services. The report will address the questions set out above and provide a factual basis for his conclusions as he considers appropriate.

The Civilian Monitor will provide his report including his findings, recommendations and conclusions to the Chief Civilian Director and concurrently to the Deputy Attorney General. The Deputy Attorney General will subsequently forward the report to the Director of Police Services as necessary or appropriate.