



# ANNUAL REPORT 2016/17



## Mission

To Investigate Fairly,  
without Bias, and to  
Ensure Accountability  
through Public Reporting.

## Vision

Building Confidence in  
Police Accountability.

**Integrity ■ Respect ■ Impartiality ■ Teamwork ■ Professionalism**

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# Message from the Chief Civilian Director



I am pleased to present the fifth annual report of the Independent Investigations Office (IIO) for the fiscal year ending March 31, 2017. I have served as the Interim Chief Civilian Director (CCD) since September 2016, and I will remain in the role until October 2017 when the new CCD, Ron Macdonald, commences a five-year term. During my tenure, the organization's major focus has been on our core business of delivering unbiased, thorough investigations of police-involved incidents that have resulted in death or serious harm.

Civilian oversight is an emerging, specialized field and the IIO is in the process of implementing a dedicated two-year certification program for investigators in cooperation with the Policing and Security Branch of the Ministry of Public Safety and Solicitor General as well as academic and applied institutions. Funding has also been secured to improve our IT resources, with the objective of implementing a new case management system to enhance our investigative capacity.

As part of our 2015-2016 Annual Report, I emphasized that the IIO would be increasing communication with stakeholders and police agencies. Since September, members of our Executive have initiated dialogue with the police leadership community, affected persons and their families, the IIO's External Advisory Group, the Office of the Police Complaint Commissioner, the Civilian Review and Complaints Commission for the RCMP, First Nations leaders, provincial government representatives, police boards and municipal councils. Our staff have engaged police departments during patrol meetings and training courses to hear directly from frontline officers. We look forward to holding more sessions of this type in the months ahead.

These meetings have helped us identify areas for improvement while also providing us with the opportunity to clarify our mandate and objectives. For example, consultations with police boards led our agency to change its policy with respect to notifications where the sole focus of police intervention is the provision of medical assistance such as providing CPR or administering Naloxone. This policy change is profiled on page 29 of this report.

The IIO continues to encounter challenges with respect to completing investigations in a timely fashion. A priority in the coming year will be to reduce the amount of time required to complete investigations, without compromising on the quality of the work.

The IIO has made significant progress in reducing the amount of time it takes to determine whether a case falls within the IIO's mandate. By releasing jurisdiction quickly on cases that do not meet our mandate, we are able to devote more resources and time to completing complex cases in a timely manner.

One of the factors extending the time it takes to conclude investigations is the delay in getting witness officers to attend for interviews. We have initiated litigation with regard to this issue and are optimistic the Courts will provide clarity for all parties.

Recently, Justice Tulloch of the Ontario Court of Appeal completed an exhaustive analysis of police oversight in that province. Many of the issues posing challenges in Ontario exist in B.C. as well and we are encouraging provincial authorities to review Justice Tulloch's recommendations with respect to their applicability in this province.

I would like to thank our many stakeholders for their ongoing support, constructive criticism and numerous contributions to the ongoing work of the IIO. While there are many challenges still ahead for the IIO, our agency is well-positioned to make significant gains in the year ahead due to the commitment of our staff and advice we receive from our stakeholders.

**Bert Phipps,**  
*Interim Chief Civilian Director*

# Executive Summary

The IIO's fifth Annual Report captures the organization's highlights from April 1, 2016 to March 31, 2017.

This fiscal year:

- the IIO has investigated 175 police-related incidents (page 13);
- developed policies to decrease notifications of incidents that do not meet the IIO's mandate (page 29);
- increased engagement with stakeholders (page 11) and
- established processes to improve timeliness (page 10).

This Annual Report first outlines the structure of the IIO and the various program areas which exist in the organization. The functions of each program area are explained and accompanied by accomplishments from each unit in this fiscal year.

The second part of the report outlines the IIO caseload with a statistical overview of the cases investigated by the IIO in this fiscal year.

Finally, key developments within the IIO and challenges being faced by the organization are detailed in the Developments 2016-2017 section of this report.

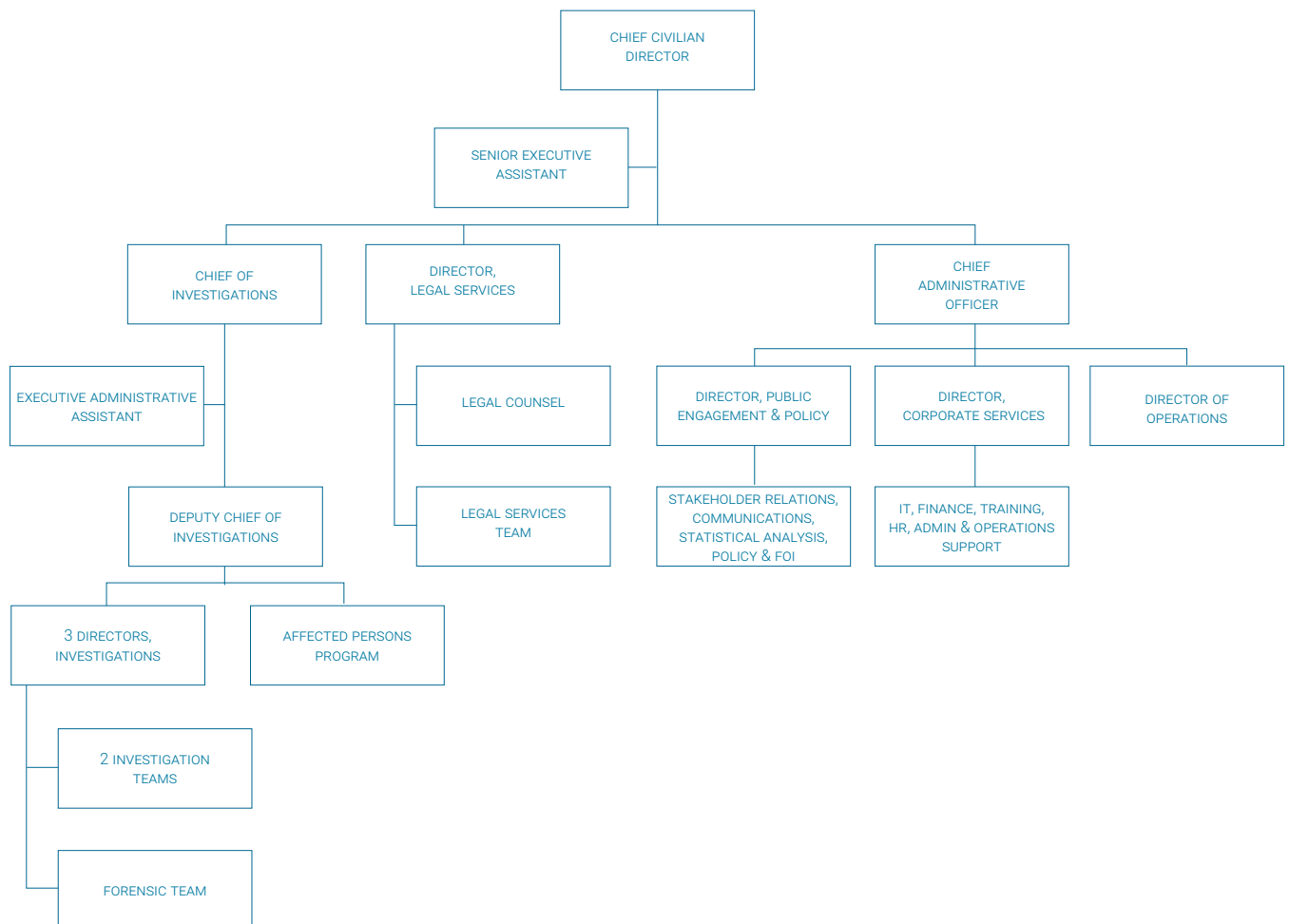
# Organizational Structure

The Independent Investigations Office is a civilian-led investigatory agency mandated to conduct investigations into all police-related incidents that result in serious harm or death as defined in the *Police Act*.

The IIO is led by a Chief Civilian Director (CCD) and is comprised of three program areas: Investigations, Legal Services and Corporate Services.

As of March 31, 2017, the IIO had 56 full-time equivalent employees; 33 of whom are part of the investigations unit.

Figure 1.  
Organizational Structure



# Program Areas

Figure 2.  
IIO Investigators' Collective Experience by Numbers



## Investigations

The IIO's investigations unit is comprised of 33 staff. This unit is headed by a Chief of Investigations and includes two investigation teams and a specialized forensics team who rotate being on call and deploy to incidents across B.C.

IIO civilian investigators come from a variety of professions in fields such as the B.C. Coroner's Service, fraud and finance investigations and experience outside of Canada in roles that include training of law enforcement professionals.

Among former police officers are investigators with over 30 years of experience in major crime investigations and others with over 20 years of experience in forensics and Emergency Response Teams in B.C.

As of March 31, 2017, the IIO's investigations unit had 19 staff with civilian backgrounds and 14 staff who are former police officers.

Highlights for the investigations unit in the past year are outlined below.

- Eight new investigators were hired. These investigators completed a thorough induction process and are continuing their development within the IIO under the guidance of senior investigators.
- A new file review system was established. It includes a moderation process for all IIO cases wherein the Chief of Investigations and Director of Legal Services assess the investigation strategy and action at key points within the process. This process has already positively impacted the efficiency and effectiveness of investigations.

As of March 31, 2017, the IIO's investigations unit had 19 staff with civilian backgrounds and 14 staff who are former police officers.



# Program Areas



## Legal Services

This fiscal year, the legal services team has been focused on more in-depth legal analysis of IIO investigative issues and outcomes. The team also provides comprehensive, real-time and ongoing legal support for investigations.

The legal services team supports new investigator training through legal education components and modules. The legal services team has also strengthened the role of the Director of Legal Services to provide substantial decision support to the Interim Chief Civilian Director.

In early 2017, the IIO's legal services team assisted in the drafting of a petition to the Supreme Court of B.C. This petition pertains to an IIO investigation into a fatal officer-involved shooting. The IIO petition seeks an order that officers attend for interviews with the IIO and that they respond in good faith to questions from IIO investigators.

The IIO's legal services team also worked with the Civilian Review and Complaints Commission (CRCC) for the RCMP as both organizations entered into a Memorandum of Understanding in recognition of the need for cooperation between the IIO and CRCC, and to support the CRCC in monitoring RCMP notifications to the IIO of critical incidents.

The legal services team has also strengthened the role of the Director of Legal Services to provide substantial decision support to the Interim Chief Civilian Director.

# Program Areas



## Corporate Services

The IIO's Corporate Services team is integral to the daily work of investigations and ensures the administrative functionality of the organization. The team is led by a director who manages human resources, information technology, finance, training, and administration support.

Several significant projects and initiatives have been undertaken by the Corporate Services team this year. These are outlined below.

- The implementation of a Virtual Private Network (VPN) to allow remote access to IIO servers for investigative staff from anywhere they are deployed in British Columbia.
- Leading the implementation of the IIO's case management software, to improve timeliness and data collection. The implementation will also focus on eliminating duplication, which will further improve timeliness.
- The development of a first of its kind training and certification program for oversight investigators in B.C. Once fully developed, this will provide professional training and certification for civilian oversight professionals.

The IIO's Corporate Services team is integral to the daily work of investigations and ensures the administrative functionality of the organization.



# Program Areas



## Public Engagement & Policy

Public confidence in the oversight of police is an integral component to the success of the IIO. As such, the work of the public engagement and policy team is structured around engaging with various stakeholders. This includes members of the media, police agencies, police boards, municipal governments and the IIO's External Advisory Group (EAG). The EAG is comprised of stakeholders from police, affected families, civil rights organizations and First Nations representatives who voluntarily provide input into the work of the IIO. In 2016-2017 the IIO met with and provided presentations to over 40 stakeholder groups. Engagement with these groups resulted in changes such as the implementation of a Medical Incident Notification Policy (see more on page 29) within the IIO.

The IIO continues to consult with the Office of the Information and Privacy Commissioner (OIPC) regarding the content of all public reports. In addition, the FOIPPA Analyst/Records Officer was realigned to the public engagement and policy team, continuing the IIO's commitment to transparency and public accountability.

A key function of the public engagement and policy team is drafting public reports in incidents where the Chief Civilian Director determines that no offence has been committed. These public reports summarize the facts, statements, evidence considered and the legal reasons for not referring the file to Crown counsel to consider charges. Public reports are a commitment to transparency and public accountability. In a landmark review of police oversight bodies in Ontario, conducted by The Honourable Justice Michael Tulloch, IIO public reports were recommended as a model for public reporting.

*"What I propose then is that the SIU (Special Investigations Unit of Ontario) report to the public in the following manner, which I have modelled in part after the practice of British Columbia's Independent Investigations Office."*

Justice Michael Tulloch, Report of the Independent Police Oversight Review

# Budget

Table 1.  
Budget

	2014–2015		2015–2016		2016–2017	
Expenditure Type	Budget	Actuals	Budget	Actuals	Budget	Actuals
Salary and Benefits	6,095,000	5,375,408	6,027,667	5,748,871	6,032,000	6,040,006
Travel Expenses	161,000	157,170	161,000	135,998	161,000	221,711
Contracts	111,000	79,822	111,000	170,876	111,000	218,862
Information Technology	171,000	149,483	171,000	373,846	171,000	212,298
Office/Business Expenses	208,000	159,340	337,485	331,442	208,000	405,873
Operating Equipment	100,000	57,887	100,000	109,488	100,000	105,801
Amortization	245,000	222,492	314,000	233,308	314,000	237,558
Building Occupancy	945,000	925,788	252,000	69,630	381,000	85,012
Other	64,000	7,779	69,848	145,801	74,000	242,874
<b>Total</b>	<b>8,100,000</b>	<b>7,135,169</b>	<b>7,544,000</b>	<b>7,319,259</b>	<b>7,552,000</b>	<b>7,769,995</b>

# Caseload

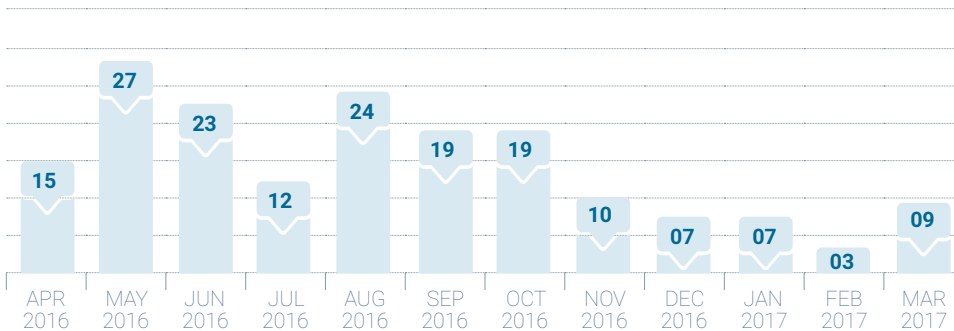
## Notifications

The *Police Act* requires all police agencies in B.C. to immediately notify the IIO when an officer is at a scene of an incident where it appears that a person may have died or suffered serious harm as a result of the actions of an officer.

In 2016-2017, the IIO was notified of and investigated 175 officer-involved incidents. There was a decline in notifications received towards the end of the fiscal year. This could be due to a new medical incident notification policy that came into effect December 2, 2016 (see page 29 for further information), the implementation of a new system of advice files (see below), or other factors.

In 2016-2017, the IIO was notified of and investigated 175 officer-involved incidents.

Figure 3.  
2016-2017 Notifications by Month



Of the notifications received in 2016-2017, 62% were from the RCMP, 34% were from municipal police departments, and 4% of notifications came from other police agencies such as the Metro Vancouver Transit Police, Special Provincial Constables, the Integrated Road Safety Unit, as well as incidents where multiple police agencies were involved.

This year the IIO implemented a new system known as advice files. Advice files are created when an involved police agency notifies the IIO of an incident, but an IIO team director determines that the incident is not within the IIO's mandate. This ensures that police and IIO resources are not being unnecessarily applied to incidents that clearly do not meet the IIO's mandate for investigation. In 2016-2017 the IIO had 27 advice files; these are excluded from the data analysis.

# Caseload

Of the 175 notifications received, the IIO's investigation determined that there was no connection to police action and/or no serious harm in 146 of the incidents, resulting in a release of jurisdiction. This process can be concluded within one day, but can also require deployments and full investigative rigor that may take months. For the 146 cases where jurisdiction was released:

- 19 (13%) were concluded within 24 hours,
- 81 (55%) were concluded between one and seven days after notification,
- 46 (32%) took more than a week to conclude,

In a fatal case in Revelstoke, the IIO deployed nine investigators and conducted a comprehensive investigation across three scenes that lasted 16 days. At the conclusion it was determined that there was no connection between the death of the affected person and police action so the IIO released jurisdiction.

There were 29 cases in 2016-2017 that met the criteria of serious harm and connection to police action, representing 17% of all notifications received. This is a slight decrease from the previous year, when the number of cases that met these criteria represented 20% of all notifications.

Notification time for each case is calculated as the difference between the time of the incident and the time it is reported to the IIO. The average notification time for the 29 cases was 4 hours and 41 minutes (excluding two cases with a significant delay in notification).<sup>1</sup> In 93% of these cases the IIO was notified within 24 hours of the incident. This is an improvement over the previous year when the average notification time was 13 hours and 49 minutes (excluding six cases with a significant delay in notification)<sup>1</sup>, and the IIO was notified within 24 hours of the incident in 83% of cases.

In the two cases where a significant delay occurred, the reason for the delay was that the police agency did not consider the injury to be serious enough at the time. In one of these cases the IIO was not notified until nine months after the incident.

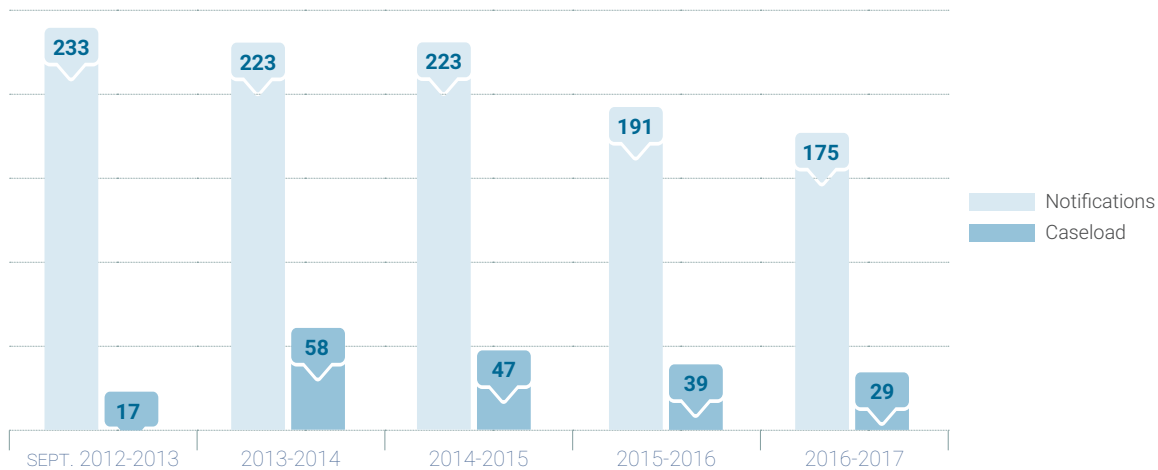
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<sup>1</sup> Significant delay in notification is classified as a difference of greater than 15 days between the incident date and the notification date. These cases would significantly impact the results if included.

# Caseload

Since the IIO became operational on September 10, 2012, it has received 1,045 notifications from police agencies. There has been a steady decline in the number of notifications since the IIO became operational. This could partly be due to police agencies having a better understanding of the types of incidents that must be reported to the IIO. There has also been a decline in the proportion of cases the IIO sustained jurisdiction in. This could partly be due to the definition of serious harm becoming more refined, resulting in more cases being released that do not meet the threshold.

Figure 4.  
Notifications and Caseload<sup>2</sup>



<sup>2</sup> These numbers represent a caseload at the end of each fiscal year. Numbers reported on previous annual reports may vary if the IIO released jurisdiction on some cases after the annual report was published.

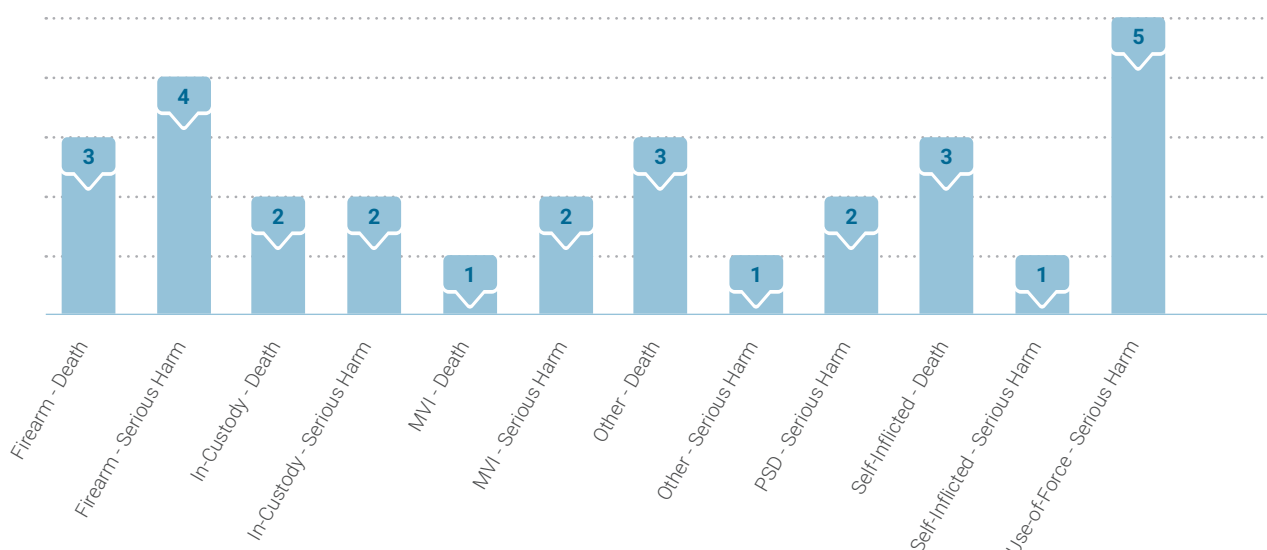
# Caseload

## Case Classification

In 2016-2017, the IIO opened 29 cases for officer-involved incidents of death or serious harm. These cases are classified in one of the following categories:

Firearm, in-custody, motor vehicle incident (MVI), other, police service dog (PSD), self-inflicted, and use-of-force. The cases are further categorized based on whether they resulted in death or serious harm.

Figure 5.  
2016-2017 Investigations Classification<sup>3</sup>



The top classification this year was firearm related cases, followed by use-of-force. These two classifications represent 41% of all opened investigations.

There has been a significant decline in use-of-force cases this year, with five cases being classified as use-of-force, representing 17% of total cases. This is down from 15 use-of-force cases in 2014-2015, representing 32% of total cases, and 15 cases in 2015-2016, representing 38% of total cases. In particular, use-of-force cases involving the Vancouver Police Department have decreased significantly, from seven cases in 2015-2016 to no cases in 2016-2017.

There has also been a decline in MVI cases, with three MVI cases this year, representing 10% of total cases. This is down from a high of 12 MVI cases in 2013-2014, representing 21% of the total caseload, and seven last year, representing 18% of the total caseload. Of the three MVI cases this year, one resulted in death and two resulted in serious harm. All three cases involved on-duty officers.

<sup>3</sup>This represents the number of cases opened as of March 31, 2017. In some cases, during the investigation process it may be determined that the incident does not fall within the IIO mandate, resulting in release of jurisdiction. Classification of cases may also be changed during the course of the investigation.



# Caseload



Since September 2012, the IIO has opened 190 cases that met the criteria of serious harm and connection to police action. Of these cases, 140 have been closed and 50 remain open as of March 31, 2017. These cases are classified as follows:

Table 2.  
Investigations Classification

Cases	
Conducted Energy Weapon (CEW)	6
Firearm	36
In-Custody	15
Motor Vehicle Incident (MVI)	31
Other	10
Police Service Dog (PSD)	20
Self-Inflicted	19
Use-of-Force	53
<b>Total</b>	<b>190</b>

In particular, use-of-force cases involving the Vancouver Police Department have decreased significantly, from seven cases in 2015-2016 to no cases in 2016-2017.

# Caseload

## Police Agencies

The majority of investigations in 2016-2017 involved the RCMP, with 21 cases accounting for 72% of all investigations opened. Considering that 72% of B.C. citizens live in RCMP jurisdictions, this is consistent with the population distribution data.<sup>4</sup> Of the cases involving the RCMP, there were six in each of the Lower Mainland, Southeast, and North Districts, and three were in the Island District.

Municipal police agencies were involved in 21% of all opened investigations. The Victoria Police Department was involved in one investigation. The Vancouver Police Department was involved in five cases, representing 17% of total cases. This is relatively consistent with the population distribution data, as approximately 14% of the province's total population resides in Vancouver.<sup>5</sup>

Figure 6.  
2016-2017 Caseload by Agency

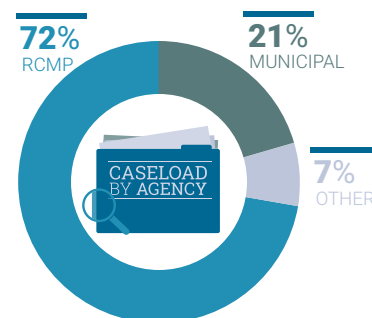


Table 3.  
2016-2017 Caseload by Agency

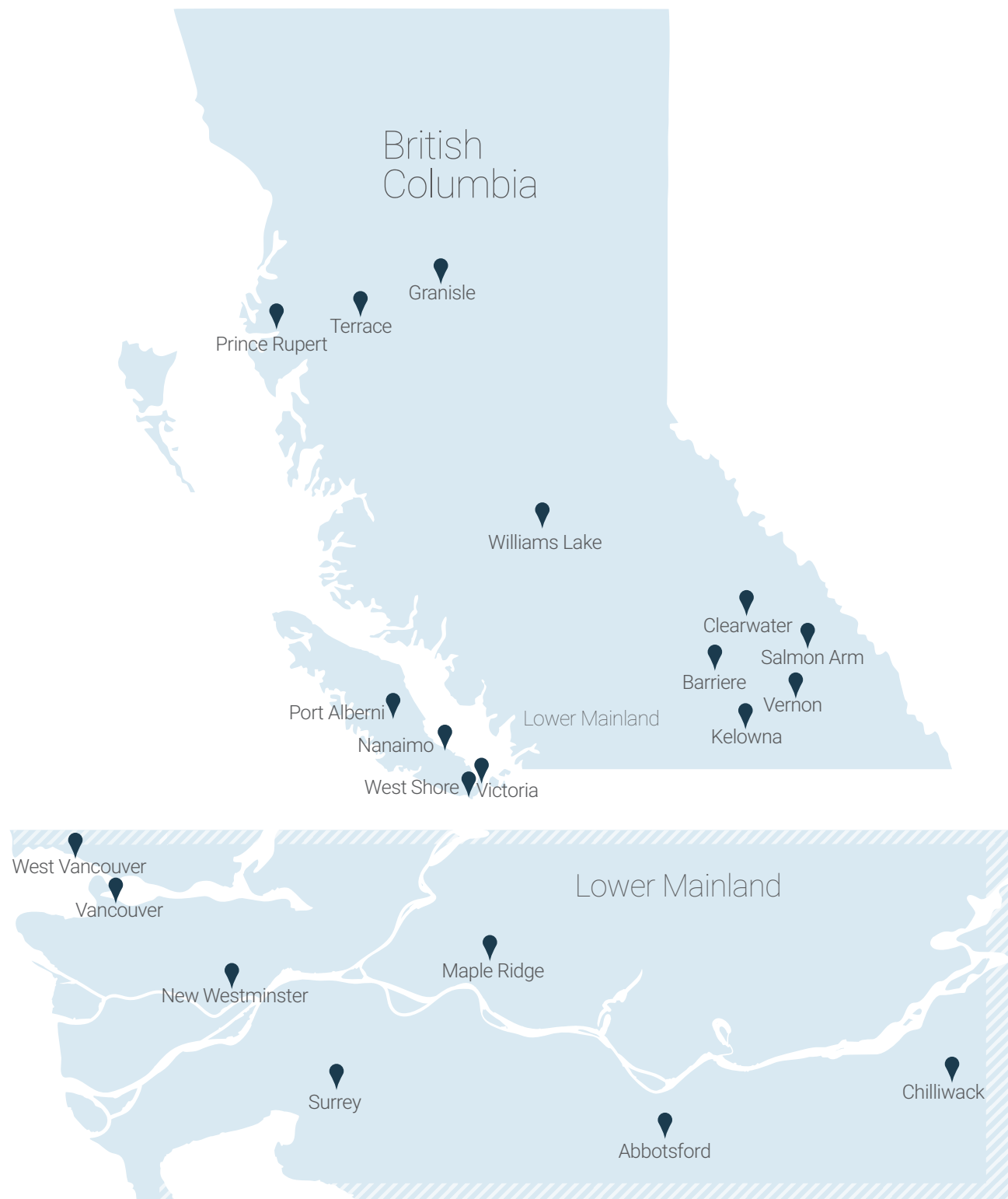
		Firearm - Death	Firearm - Serious Harm	In-Custody - Death	In-Custody - Serious Harm	MVI - Death	MVI - Serious Harm	Other - Death	Other - Serious Harm	PSD - Serious Harm	Self-Inflicted - Death	Self-Inflicted - Serious Harm	Use-of-Force - Serious Harm	Grand Total
Municipal	Municipal	1	2	-	-	-	-	-	-	2	-	-	1	6
	Vancouver PD	1	2	-	-	-	-	-	-	2	-	-	-	5
	Victoria PD	-	-	-	-	-	-	-	-	-	-	-	1	1
	Other	-	-	-	-	-	-	-	-	-	2	-	-	2
Other	IRSU	-	-	-	-	-	-	-	-	-	1	-	-	1
	IRSU/RCMP	-	-	-	-	-	-	-	-	-	1	-	-	1
	RCMP	2	2	2	2	1	2	2	1	-	1	1	4	21
RCMP	Chilliwack	-	-	1	-	-	-	-	-	-	-	-	-	1
	Clearwater	-	-	-	-	-	-	1	-	-	-	-	-	1
	Houston	1	-	-	-	-	-	-	-	-	-	-	-	1
	Kamloops	-	-	-	-	-	-	-	-	-	1	-	-	1
	Kelowna	-	-	-	-	-	-	1	-	-	-	-	-	1
	Nanaimo	1	-	-	-	-	-	-	-	-	-	-	-	1
	Port Alberni	-	-	1	-	-	-	-	-	-	-	-	-	1
	Prince Rupert	-	-	-	-	-	1	-	-	-	-	-	1	2
	Ridge Meadows	-	-	-	-	-	-	-	1	-	-	-	-	1
	Salmon Arm	-	1	-	1	-	-	-	-	-	-	-	-	2
	Surrey	-	1	-	-	-	-	-	-	-	-	1	2	4
	Terrace	-	-	-	-	-	-	1	-	-	-	-	-	1
	Vernon	-	-	-	-	-	1	-	-	-	-	-	-	1
	West Shore	-	-	-	-	1	-	-	-	-	-	-	-	1
	Williams Lake	-	-	-	1	-	-	-	-	-	-	-	1	2
	Grand Total	3	4	2	2	1	2	3	1	2	3	1	5	29

<sup>4</sup> According to RCMP data: [www.bc.rcmp-grc.ca/](http://www.bc.rcmp-grc.ca/)

<sup>5</sup> According to data from [www.bcstats.gov.bc.ca/](http://www.bcstats.gov.bc.ca/)

# Location of IIO Cases

Figure 7.  
2016-2017 Location of IIO Cases



# Caseload

## Firearm Cases

Firearm cases continue to be one of the dominant categories for the IIO, although the number of firearm cases has decreased in the last two years.

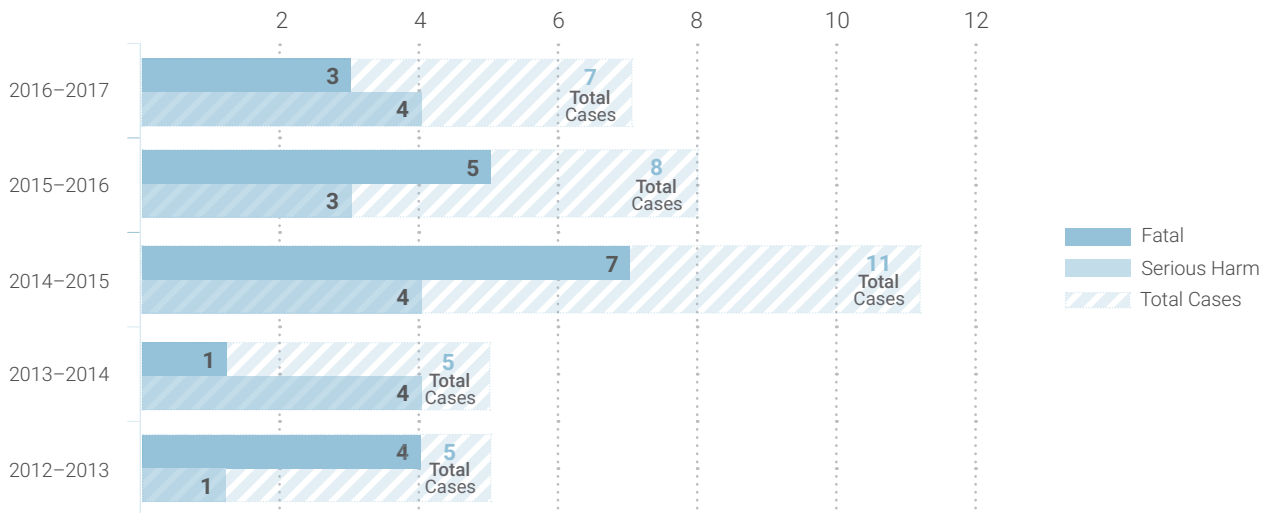
In 2016-2017, there were seven firearm related cases, three of which were fatal and four that resulted in serious harm. Of these:

- the RCMP was involved in four firearm cases, two of which were fatal;
- the Vancouver Police Department was involved in three firearm cases, one of which was fatal.

Firearm cases represented 24% of total cases this year, which is relatively consistent with 2014-2015 and 2015-2016 where firearm cases represented 23% and 21% of total cases respectively.

Since September 2012, the IIO has had 36 cases involving the discharge of a firearm. Of these, 20 have been fatal.

Figure 8.  
Firearms Cases



As of March 31, 2017 the IIO had 14 open firearm cases. This includes three firearm cases from 2014-2015, four from 2015-2016, and seven from this year.

# Caseload

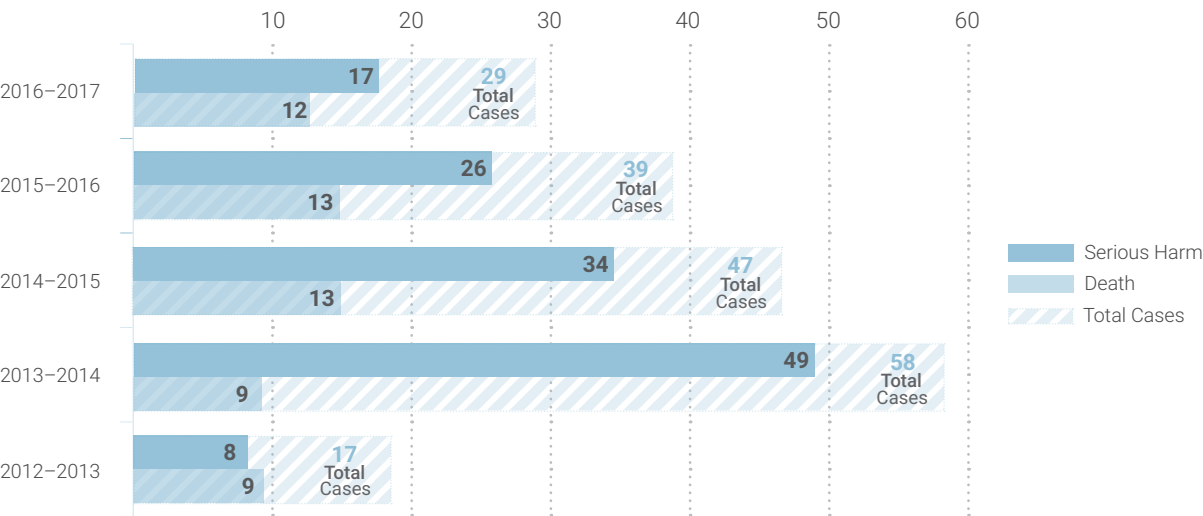


## Fatal Cases

In 2016-2017, of the 29 cases opened, 12 involved a fatality. This is similar to the previous two years when there were 13 cases involving fatalities.

There has been a decrease in the number of serious harm (non-fatal) cases, with 17 serious harm cases in 2016-2017, down from a high of 49 in 2013-2014. This could be due to the definition of serious harm becoming more refined, resulting in more cases where jurisdiction is released once it is determined that the threshold for serious harm is not met.

Figure 9.  
Caseload by Injury Type





# Caseload



The majority of fatal cases in 2016-2017 involved the RCMP, with nine out of 12 investigations. One fatal case involved the Vancouver Police Department, one involved the Integrated Road Safety Unit, and one involved multiple agencies.

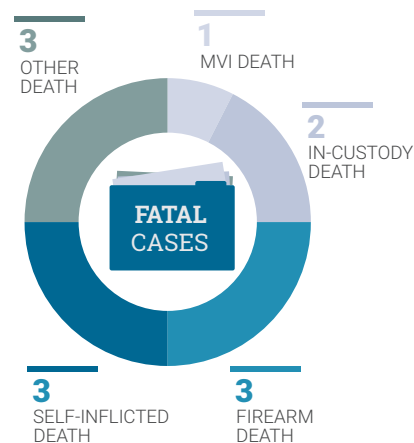
Three of the 12 fatal cases in 2016-2017 involved the discharge of a firearm, three involved a self-inflicted injury, two involved deaths in custody, three were classified as 'other', and one involved a motor vehicle incident (MVI). The cases classified as 'other' involved medical incidents.

While officer-involved shootings continue to be one of the dominant categories for fatalities, firearm related deaths have declined both in number and as a proportion of total fatalities over the past three years. There were seven firearm related deaths in 2014-2015, representing 54% of fatal cases, and five firearm related deaths in 2015-2016, representing 38% of fatal cases. In 2016-2017, there were three firearm cases that resulted in death, representing 25% of the fatalities.

Since September 2012, the IIO has had 56 cases involving a fatality. Of these, 20 were firearm related fatalities, representing 36% of all fatality cases.

As of March 31, 2017, 19 fatality cases remain open, which represents approximately one third of the IIO's current caseload.

Figure 10.  
2016-2017 Fatal Cases



# Affected Persons



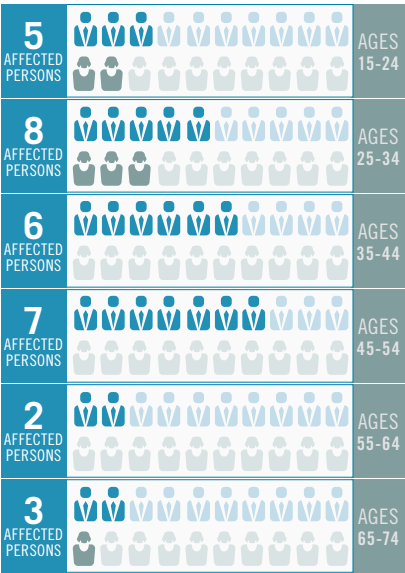
## Affected Persons

An affected person is defined as a person directly involved in an IIO investigation who died or suffered serious harm.<sup>6</sup> The IIO uses this term because many of the individuals involved in an IIO investigation are suspects in police concurrent investigations. Rather than use the terms suspect or victim, the IIO believes that more neutral language is consistent with a mandate to conduct fair and unbiased investigations.

The IIO has designated staff who provide services to affected persons as the investigation continues. In cases where the affected person is deceased, the IIO provides updates to the affected person’s family or someone designated by the family to receive those updates.

In 2016-2017, there were 31 affected persons involved in IIO investigations. The majority (81%) of the affected persons were male. The average age for all affected persons was 39 years old. The average age for males was 41 and the average age for females was 33. The age distribution of the affected persons ranges from 17 years old to 73 years old.

Figure 11.  
2016-2017 Age and Gender Distribution of  
Affected Persons



<sup>6</sup> As the mandate of the IIO is to investigate officer-involved incidents that result in death or serious harm, the data in this section only represents affected persons whose injuries met the threshold of serious harm.



# Affected Persons



Data on the demographics of affected persons can help identify policing challenges, refine programs, improve services and potentially shape police training. Specifically, there is a need for data on persons in crisis and their interactions with police.

In addition to identifying trends and patterns, data can often be the catalyst for change. “It supports evidence-based public policy and decision-making, promotes accountability and transparency, and, if used properly, may build public confidence in policing and police oversight,” Justice Tulloch wrote in the Independent Police Oversight Review. “... better data leads to better policy decision-making.”

The IIO is working with stakeholders on a strategy to collect and report out on data such as ethnicity and mental health, in a way that is compliant with current legislation and privacy laws.

Data on the demographics of affected persons can help identify policing challenges, refine programs, improve services and potentially shape police training.



# Disposition of Cases

## Public Reports

The IIO issues a public report when there is no evidence of an offence committed by the officer. These public reports give an in-depth look at the case and include statements from witnesses and officers as well as evidence considered. Public reports are published so any member of the public can access the IIO's website, read the report and understand the Chief Civilian Director's rationale in determining that no offence may have been committed.

In 2016-2017, there were 10 investigations concluded by a public report. The average open time for these 10 was approximately 17.5 months. This is double the average open time of nearly nine months for cases closed by public report last year. This is largely due to an increase in fatal cases that occurred between September 2014 and September 2015. During this period there was a total of 20 fatalities, 12 of which are firearms fatalities. These complex investigations require the expenditure of enormous resources and have impacted our timeliness.

Table 4.  
2016-2017 Public Reports

File #	Municipality	Case Classification
<a href="#">2014-000224</a>	Surrey	Firearm – Death
<a href="#">2014-000214</a>	Prince George	Use-of-Force – Serious Harm
<a href="#">2014-000198</a>	Victoria	Firearm – Death
<a href="#">2015-000061</a>	Vancouver	Firearm – Death
<a href="#">2015-000104</a>	Dawson Creek	Firearm – Death
<a href="#">2016-000065</a>	Chilliwack	In-Custody – Death
<a href="#">2015-000077</a>	Burnaby	Firearm – Serious Harm
<a href="#">2015-000119</a>	Vancouver	Use-of-Force – Serious Harm
<a href="#">2015-000053</a>	Burnaby	Firearm – Death
<a href="#">2015-000118</a>	Vancouver	Use of Force – Serious Harm

Click on file number to read public report.  
A full list of public reports can be found on the IIO website at [www.iiohc.ca](http://www.iiohc.ca)

# Disposition of Cases

## Reports to Crown Counsel

Under Sec. 38.11 of the *Police Act*, after reviewing an investigation, the Chief Civilian Director (CCD) forwards a file to Crown for consideration of charges if he considers that the officer may have committed an offence. The threshold for IIO referral is significantly lower than the threshold for police agencies, resulting in a high number of referrals that do not meet the charging standards for Crown. For more information on this, see the Developments 2016-2017 section of this report.

In 2016-2017, the Chief Civilian Director referred 16 files to Crown Counsel for consideration of charges. In two cases, charges were approved against the officers. One involved a fatal motor vehicle incident that resulted in the officer being charged under the *Motor Vehicle Act* (110-2015-000128). One involved a motor vehicle incident causing serious harm, which resulted in the officer being charged under the *Motor Vehicle Act* (110-2016-000055).

In five cases, charges were not approved. In nine cases, charge assessment is pending.

In 2016-2017, the CCD referred 16 files to Crown Counsel for consideration of charges.

Table 5.  
2016-2017 Reports to Crown Counsel

File #	Municipality	Case Classification	RTCC Decision
2014-000163	Valemount	Firearm – Death	<u>No Charges Approved</u>
2015-000081	Langford	Use-of-Force – Serious Harm	<u>Pending</u>
2015-000083	Surrey	Use-of-Force – Serious Harm	<u>No Charges Approved</u>
2015-000146	Nanaimo	Use-of-Force – Serious Harm	<u>No Charges Approved</u>
2015-000128	Penticton	MVI – Death	<u>Charges Approved</u>
2014-000208	Vancouver	Firearm – Death	<u>No Charges Approved</u>
2015-000107	Surrey	Firearm – Death	<u>Pending</u>
2015-000117	Smithers	Use-of-Force – Serious Harm	<u>No Charges Approved</u>
2015-000017	Castlegar	Firearm – Death	<u>Pending</u>
2015-000028	Smithers	Use-of-Force – Death	<u>Pending</u>
2016-000064	Langford	MVI – Death	<u>Pending</u>
2016-000055	Coquitlam	MVI – Serious Harm	<u>Charges Approved</u>
2016-000031	Duncan	MVI – Serious Harm	<u>Pending</u>
2015-000147	Vancouver	MVI – Serious Harm	<u>Pending</u>
2015-000126	Prince George	Use-of-Force – Serious Harm	<u>Pending</u>
2016-000049	Vancouver	PSD – Serious Harm	<u>Pending</u>

# Disposition of Cases

Out of 16 submissions to Crown Counsel, 14 involved RCMP detachments and two involved Vancouver Police Department.

The average length of investigations for files referred to Crown Counsel this year was approximately 15 months. This is an increase of approximately 3.5 months from the average open time of just under a year for cases referred to Crown Counsel last year. Factors contributing to the length of these investigations include: complexity of the investigation; delays in receipt of third-party reports; an increase in workload and staffing challenges.

Since September 2012, the IIO has referred 66 cases to Crown Counsel for consideration of charges. Crown Counsel has approved charges in 10 of these cases: two resulted in a stay of proceedings, four resulted in guilty pleas, two resulted in acquittal, and in two cases the disposition is pending. In 47 cases referred to Crown Counsel, charges were not approved. The charge approval rate of the files referred to Crown Counsel is 18% of all files referred. For more information on this, see the Developments 2016-2017 section of this report.

Table 6.  
Cases Referred to Crown Counsel

Cases Referred to Crown Counsel	
Charges Approved	10
Charges Not Approved	47
Pending Crown Decision	9
<b>Total</b>	<b>66</b>

Table 7.  
Reports to Crown Counsel, Charges Approved

File #	Municipality	Incident Classification	Disposition
12-10-0099	Cranbrook	Firearm – Serious Harm	Stay of Proceedings
2013-000026	Salmon Arm	MVI – Death	Acquittal
2013-000043	New Westminster	MVI – Serious Harm	Guilty plea
12-11-0178	New Westminster	Firearm – Death	Stay of Proceedings
2013-000046	Oceanside	Use-of-Force – Serious Harm	Pending court process
2013-000058	Surrey	Firearm – Serious Harm	Acquittal
2014-000107	Nanaimo	Use-of-Force – Serious Harm	Guilty plea
2014-000176	Terrace	Use-of-Force – Other	Guilty plea
2015-000128	Penticton	MVI – Death	Guilty plea
2016-000055	Coquitlam	MVI – Serious Harm	Pending court process

# Disposition of Cases

## Closed Cases

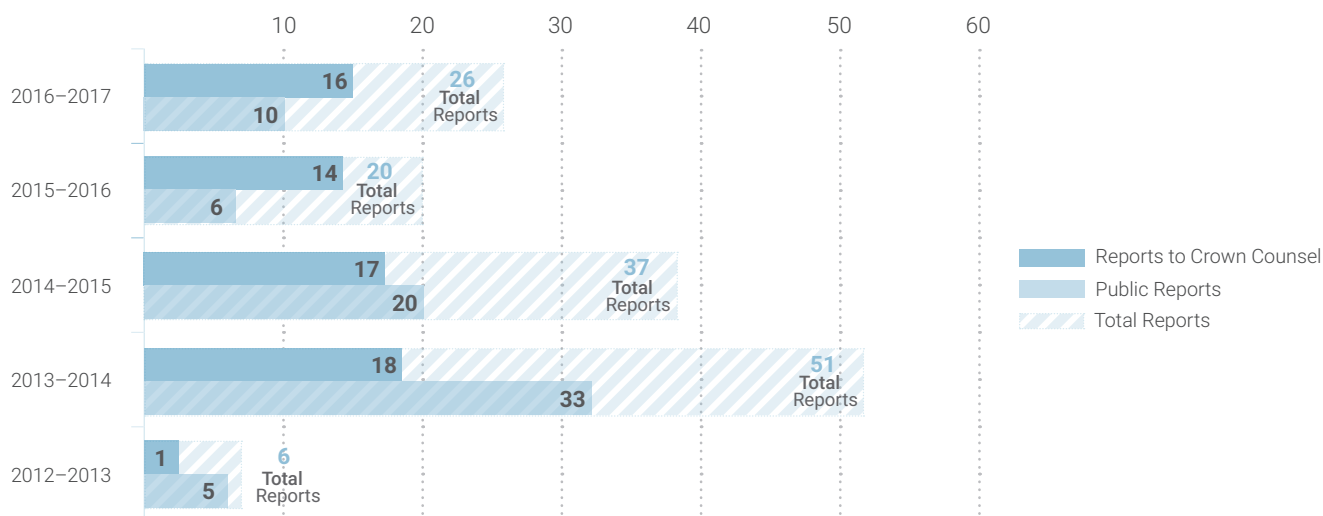
In 2016-2017, the IIO concluded 26 cases. Two of these closed files were opened this fiscal year, 16 were opened in 2015-2016, and eight were opened in 2014-2015.

The average open time for these investigations was approximately 16 months. Of these:

- the average open time for fatal cases closed this year was approximately 17 months;
- the average open time for non-fatal cases closed this year was approximately 15 months;
- the average open time for firearm cases closed this year was approximately 19 months.

Since September 2012, the IIO has closed 140 cases. Of these, 74 were concluded by public reports and 66 were concluded with a report to Crown Counsel. As of March 31, 2017, the IIO had 50 open cases.

Figure 12.  
Closed Cases



# Developments 2016-2017

## Medical Incident Notification

By the end of 2016, the illicit drug overdose epidemic sweeping across British Columbia claimed 922 lives, making it the deadliest year on record of overdose deaths in B.C.

While the remedy for Fentanyl, known as Naloxone, was readily available, police officers faced a unique challenge. The *Police Act* requires officers to notify the IIO when on scene of a fatality and it is believed that their actions may have contributed to that fatality. This meant that an officer who administered Naloxone in an overdose situation could be subject to an IIO investigation if the person died.

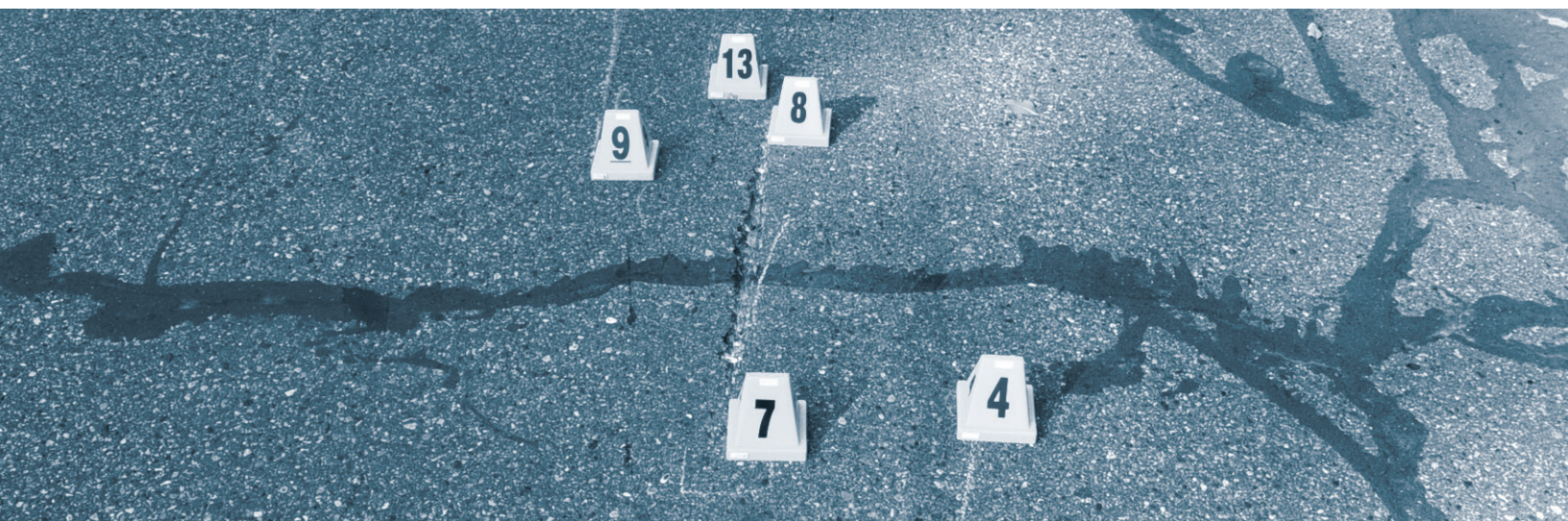
Furthermore, police were reporting incidents to the IIO even when only lifesaving measures such as CPR were being administered.

Internal consultations on this issue led to meetings with police boards, various stakeholders and the IIO's External Advisory Group. The consultations led to the IIO adopting a policy whereby police agencies are no longer required to notify the IIO of incidents where all that is being administered by police officers is lifesaving measures. This excludes fatal in-custody incidents and incidents where police applied use-of-force.

This policy allows police officers to administer lifesaving measures, including the use of Naloxone, without being subjected to an IIO investigation.

While the adoption of this policy was drafted with the objective of not hindering the police's ability to save lives, it also resulted in the IIO's devoting more of its resources to current cases.

# Developments 2016-2017



## Inquest Recommendations

All police-involved incidents that result in death are subject to a Coroner's Inquest. An inquest is a fact-finding public inquiry with a number of functions. Each inquest has a public jury whose main role is to listen to all available evidence in the inquest and to make recommendations at the conclusion of the inquest.

In 2016-2017, five incidents that were investigated by the IIO were subject to a Coroner's Inquest. In two of these inquests, the jury made recommendations that can positively impact how the IIO conducts investigations. These recommendations are outlined below.

## Officers' Notes

In February 2017, a jury at a Coroner's Inquest made the following recommendation to the RCMP.

"Note-taking should be mandatory in respect of all incidents attended by RCMP officers."

The issue of officers' notes continues to be a challenge with police agencies involved in IIO investigations. The Memorandum of Understanding (MOU) Respecting Investigations, between the IIO and police agencies, states that witness officers involved in IIO investigations are required to submit copies of their notes, reports and data by the end of their shift.

*"Note-taking should be mandatory in respect of all incidents attended by RCMP officers."*

Coroner's Inquest



# Developments 2016-2017



As noted in the IIO's 2015-2016 Annual Report, the IIO's position is that police officers who are involved in serious incidents should write detailed notes. For incidents involving force, a duty-to-account which speaks to the actions of the officer and the rationale for using force also needs to be completed. These should be provided to the IIO for use in IIO investigations.

Detailed note-taking is an integral part of policing. It helps officers refresh their memory of an incident and may impact positive change in policing.

The *Police Act* does not address the issue of officers' notes and their availability to the IIO. A lack of clarity in the legislation requires the IIO and police agencies to refer to an MOU that is not a legally binding document. The IIO continues to communicate with police management about the importance of timely note-taking.

Detailed note-taking is an integral part of policing. It helps officers refresh their memory of an incident and may impact positive change in policing.

# Developments 2016-2017

## Ballistics Labs

In March 2017, a jury at a Coroner's Inquest made the following recommendation to ballistics labs providing service to the IIO.

"Expedite ballistics results for police involved shootings to complete reports within 90 days to the IIO and other authorities."

The IIO continues to experience delays in ballistics testing which in turn is affecting the timeliness of investigations. Much of the ballistics testing provided to the IIO is carried out by the RCMP National Forensic Laboratory. The above recommendation was made in a case where the delay was attributed to this lab.

In the case which led to this Coroner's Inquest, the IIO was waiting for 13 months for the completion of ballistics testing to match two bullets and casings to a weapon. Ensuring that ballistics testing is completed within 90 days would positively impact the timeliness of IIO investigations. While ballistics testing is not the sole reason for delays in completion of IIO investigations, it is a reason as to why some investigations are taking in excess of one year to complete.

The IIO recognises resource constraints within the RCMP and is working with RCMP command to expedite cases where possible.

The IIO is aware of the impact that incidents involving police can have on police officers, affected persons and their families, and the public. Timely resolution of IIO investigations will in turn ensure that those involved in IIO investigations can continue to have faith in the oversight process.

*"Expedite ballistics results for police involved shootings to complete reports within 90 days to the IIO and other authorities."*

Coroner's Inquest



# Developments 2016-2017

## The IIO's Referral Standard

The *Police Act* requires the IIO to send a Report to Crown if, after an investigation is concluded, the CCD considers that an officer may have committed an offence under any enactment, either federal or provincial.

As of March 31, 2017, a total of 66 cases had been referred to Crown Counsel for consideration of charges. Of these, 10 charges have been laid against police officers in B.C. Four cases resulted in a guilty plea; the others were either acquittals, a stay of proceedings or are currently pending court process. The number of charges approved is not a measure of the IIO's success. The IIO considers thorough and timely resolution of investigations as a measure of success. In order for Crown Counsel to approve a charge, there must be a substantial likelihood of conviction and a prosecution must be required in the public interest.

The difference between the IIO's referral standard and Crown Counsel's charge approval standard are significant.

The number of charges approved is not a measure of the IIO's success. The IIO considers thorough and timely resolution of investigations as a measure of success.

# Appendix

## British Columbia

The Independent Investigations Office became operational in September 2012. The organization was established in response to two reports which recommended the establishment of a civilian oversight model to conduct critical incident investigations of police-involved incidents resulting in death or serious harm.

In addition to the IIO, there are two offices that conduct investigations into complaints of misconduct involving police across British Columbia:

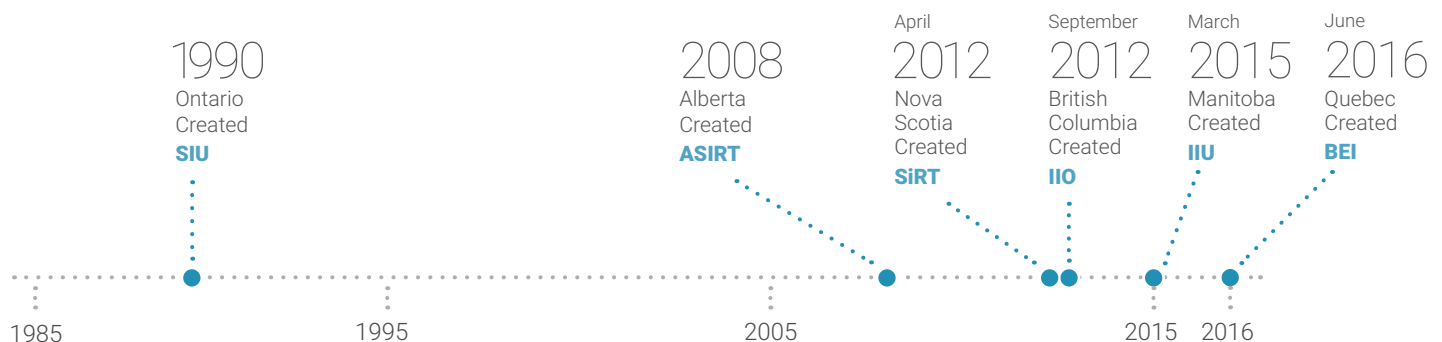
- The Office of the Police Complaint Commissioner (OPCC) conducts investigations into complaints against municipal police officers.
- The Civilian Review and Complaints Commission (CRCC) is responsible for investigating complaints made against the RCMP.

Police oversight in B.C. also includes the Policing and Security Branch in the Ministry of Public Safety and Solicitor General. This is led by an Assistant Deputy Minister who is the Director of Police Services for RCMP and municipal police agencies in the province.

## Canada

- As of March 31, 2017, there are six independent critical incident investigation offices in place across Canada.
- Some of these agencies also investigate allegations of corruption (Alberta), sexual assault and domestic violence (Ontario and Nova Scotia).
- Some of these organizations also employ seconded police officers as investigators.

Figure 13.  
Civilian Police Oversight in Canada



## Independent Investigations Office

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