

Annual Report **2014–15**



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Message from the Chief Civilian Director



OVER THE COURSE OF THE 2014–15 FISCAL YEAR, the Independent Investigations Office (IIO) of British Columbia continued to progress toward our goals of conducting competent, thorough and unbiased investigations, completing investigations in a timely manner and ensuring transparency through public reporting.

This report outlines several initiatives that the IIO undertook and advanced in the past fiscal year, some of which are highlighted below.

- The development and implementation of a two-year Strategic Plan which ensures shared Mission, Vision, Values and Goals for IIO staff. The plan helped us to achieve many successes for our organization this year including: the establishment of Performance Measures; development of the Manual of Investigations; and the foundation of a Business Continuity Plan.
- The IIO's participation in the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) annual conference. The CACOLE conference took place in Victoria from May 5 to 7, 2014 and focused on building confidence and trust in police oversight.
- The IIO's first Civilian Monitor was appointed. Mr. Mark Jetté provided a comprehensive report which reviewed the IIO's investigation of a Royal Canadian Mounted Police officer-involved shooting that resulted in the death of Mr. Gregory Matters.

Message from the Chief Civilian Director

- The Special Committee of the Legislative Assembly of British Columbia's review of the IIO's operations. Over this fiscal year, the IIO worked to ensure the Committee had all the information necessary to fulfill its mandate. The resulting report was released by the Committee in February 2015.
- Continued outreach to communities and stakeholders to sustain and build new foundational relationships for the IIO.

In our third and fourth years of operation I look forward to continuing our progress as a maturing organization. Priorities for the year ahead include:

- working with government on any next steps regarding the recommendations outlined in the Report of the Special Committee to Review the Independent Investigations Office;
- developing a formalized employee performance management approach including coaching, a training review process and succession planning; and,
- continuing to develop recruitment efforts while balancing investigative needs with the ultimate goal of civilianization.

The investigative work occurring during the 2014–15 fiscal year included 49 new cases. Over the last half of the fiscal year, a number of fatal incidents involving the police caused a significant increase in workload. The IIO continues to work diligently to ensure each of the IIO's goals are applied to every investigation. We recognize that government, police, and the public all have important interests at stake in ensuring the proper processing of these cases. I can assure you that the IIO is equally committed to the proper and timely handling of these investigations.

I would like to express my appreciation to all the staff at the IIO for their dedication to the IIO and its goals. I would like to thank the police forces across British Columbia for their continued cooperation with the IIO. Additionally, thank you to the government and the Legislature for their ongoing support.

Richard Rosenthal
Chief Civilian Director

Executive Summary

British Columbia's Independent Investigations Office (IIO) is a civilian-led agency established in 2012 to conduct independent investigations into officer-involved incidents of death or serious harm. In its two and a half years of operation, the IIO has undertaken 124 investigations. To date 94 of these cases are now concluded.

The IIO's third Annual Report provides an overview of the organization and a summary of the IIO's activities between April 1, 2014 and March 31, 2015.

Part I of the report provides a jurisdictional overview of police oversight agencies provincially, nationally and internationally, identifying where the IIO of British Columbia fits into the larger picture of police oversight.

Part II focuses on the internal operations of the IIO as well as significant events that have occurred within the fiscal year. This includes a description of the organizational structure, a detailed review of program areas, and an in-depth review of the IIO's first ever Strategic Plan. The significant events of the IIO's first Civilian Monitor report as well as the Special Committee to Review the Independent Investigations Office are summarized. Part II also provides information on outreach and community engagement activities and the IIO budget.

The final section, Part III, provides a summary of the operational performance of the IIO over the last fiscal year. It outlines the number and types of IIO investigations, the outcome of concluded cases and information regarding affected persons.

A complete glossary of abbreviations used in the 2014–15 Annual Report is itemized in [Appendix A](#).

Part I



Overview of Police Oversight

For many jurisdictions, critical incident investigations of the police are under the authority of local and federal police agencies. In five Canadian provinces, the United Kingdom and Ireland, there are civilian-led agencies in place that conduct critical event investigations of officer-involved incidents to determine whether or not criminal charges should be laid.

The Independent Investigations Office (IIO) looks to its oversight partners in British Columbia (B.C.), the four Canadian oversight agencies, the United Kingdom and Ireland as it continues to grow as an organization.

British Columbia

British Columbia's IIO was established as a civilian-led agency in response to two significant reports arising from public concerns about police use of force. In 2007, Justice William Davies conducted an inquiry to examine the circumstances related to the 1998 death of Frank Paul. This inquiry recommended a civilian-based oversight model to conduct criminal investigations of police related deaths specific to B.C.'s municipal police forces. In 2008, Justice Thomas Braidwood reviewed the 2007 death of Robert Dziekanski. This inquiry recommended a civilian based oversight model specific to all police related incidents resulting in death and serious harm (as defined in Part 11 of the *Police Act*) with jurisdiction over both municipal police forces and the Royal Canadian Mounted Police (RCMP) in B.C. The Province responded through amendments to the *Police Act* creating the IIO, which began operations on September 10, 2012.

Police oversight in B.C. involves a network of agencies that each has an important role. The IIO is one part of a larger group of agencies that provide police oversight in the province. The IIO works together with other agencies to ensure appropriate and effective policing for B.C.

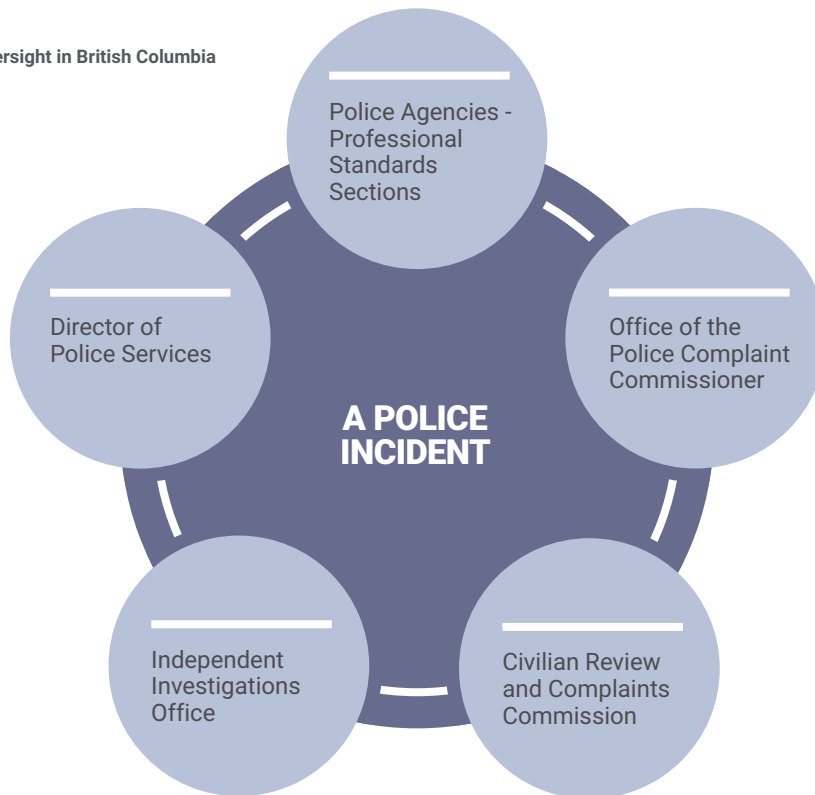
The IIO does not investigate complaints of misconduct. Investigations and reviews of complaints made against municipal police officers are the responsibility of the Office of the Police Complaint Commissioner (OPCC). The OPCC monitors and reviews administrative investigations conducted by municipal police Professional Standards Sections as well as disciplinary decisions made about public complaints and officer-related critical incidents. The Police Complaint Commissioner is an Independent Officer of the Legislature.

Overview of Police Oversight

Complaints made against members of the RCMP are the responsibility of the Civilian Review and Complaints Commission (CRCC) (formerly the Commission for Public Complaints Against the RCMP). The CRCC is an independent agency created by Parliament that provides oversight of the RCMP's complaint handling and disciplinary processes, and makes recommendations aimed at correcting and preventing recurring policing problems.

In addition to the OPCC and CRCC, police oversight in B.C. includes the Police Services Division of the Ministry of Justice. The Police Services Division is led by an Assistant Deputy Minister who acts as the Director of Police Services. This role ensures the best practices in policy-making for police agencies in B.C. (both municipal police and the RCMP).

Figure 1.
Police Oversight in British Columbia



Most police agencies also have Professional Standards Sections which are internal units within a police department responsible for investigating allegations of misconduct by their own members. Professional Standards Section members investigate internal and public complaints and submit their investigations to police management for findings and disposition.

Overview of Police Oversight

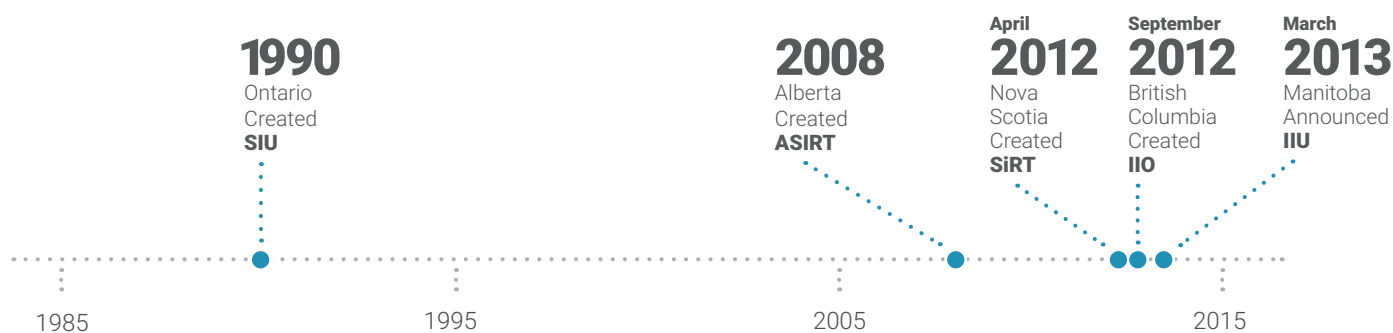
Canada

Similar to B.C., some provinces in Canada have some form of civilian police oversight. There are currently four other programs in Canada similar to the IIO. The first was the Special Investigations Unit (SIU) created in Ontario in 1990. The second was the Alberta Serious Incident Response Team (ASIRT) which became operational in 2008. Third was the Nova Scotia Serious Incident Response Team (SiRT) created in April 2012, approximately five months prior to the opening of the IIO. Manitoba's Independent Investigations Unit (IIU) is expected to be operational in 2015.

Common among all five of these agencies is independence from police and an arms-length relationship to government. Additionally, public transparency is a critical element to police oversight in Canada. Manitoba's IIU is not yet operational, but in Ontario, Alberta, Nova Scotia, and British Columbia, information is provided to the public at the onset and conclusion of each sustained investigation.

Despite common goals, there are important differences that exist between the five Canadian civilian police oversight agencies. The mandates of each organization are different. The IIO's mandate includes investigating on or off-duty police officer-involved incidents resulting in death or serious harm. Manitoba's IIU has a similar mandate as it encompasses on-duty and off-duty police officer-involved incidents resulting in death, serious injury or a contravention of a prescribed offence.

Figure 2.
Civilian Police Oversight in Canada



Ontario's SIU mandate includes investigating police officer-involved incidents resulting in death or serious harm and additionally, allegations of sexual assault. Nova Scotia's SiRT mandate includes investigating police officer-involved incidents resulting in death or serious harm, allegations of sexual assault, and in addition, domestic violence that may have arisen from the actions of a police officer.

Overview of Police Oversight

The ability to lay charges is another difference among these Canadian police oversight agencies. In Alberta, Manitoba, Nova Scotia, and Ontario, directors of the oversight agencies lay criminal charges against police officers when evidence forms the grounds to believe a criminal offence has been committed. In British Columbia, after an investigation, if the Chief Civilian Director considers that an officer *may* have committed an offence then the matter is reported to Crown counsel. The Crown lays a charge if a two-part formula is met (if there is substantial likelihood of conviction based on evidence and if prosecution is in the public interest).

When the IIO began operations in 2012, approximately 42% (10 of 24) of its investigative staff came from civilian backgrounds, having never worked as police officers. As of March 2015, 59% of the IIO's investigators are civilians with investigative backgrounds. In comparison, Ontario's SIU was initially staffed solely by former police officers. Over the last 25 years, the SIU has transitioned to include a significant number of investigators with civilian backgrounds (approximately 40%). ASIRT is staffed with former officers and currently serving police officers who are seconded. In Nova Scotia, SiRT investigators are former and seconded police officers.

With similarities and differences, the five oversight agencies across Canada provide invaluable benefits to each other from lessons learned through the course of their investigations. The IIO remains grateful for the continued open dialogue that exists among these agencies.

International

Internationally, Ireland and the United Kingdom are viewed as leaders in civilian based independent oversight of law enforcement. The IIO looks to such organizations to determine effective mechanisms for progress towards the goal of civilianization.

From an international perspective, Northern Ireland's oversight agency is the most similar to British Columbia's IIO. The Northern Ireland Police Ombudsman's Office was created in 1998. The office investigates all discharges of police firearms, all fatal traffic collisions involving police officers, any deaths which may have occurred as a result of the actions of police officers, and any other serious allegations. The office conducts criminal investigations into police-related critical incidents and also investigates allegations of misconduct. That office started with an investigative staff of 40% seconded police officers and 60% civilian investigators who had never been police officers. In its fourteenth year, approximately 68% of investigators are civilian.

The Independent Police Complaints Commission (IPCC) in the United Kingdom oversees the police complaints system in England and Wales and sets the standards by which police agencies handle complaints. In some cases, the IPCC conducts independent investigations of serious incidents, regardless of whether a complaint has been made. A large proportion of their investigative staff are former police officers (approximately 51%).

Part II

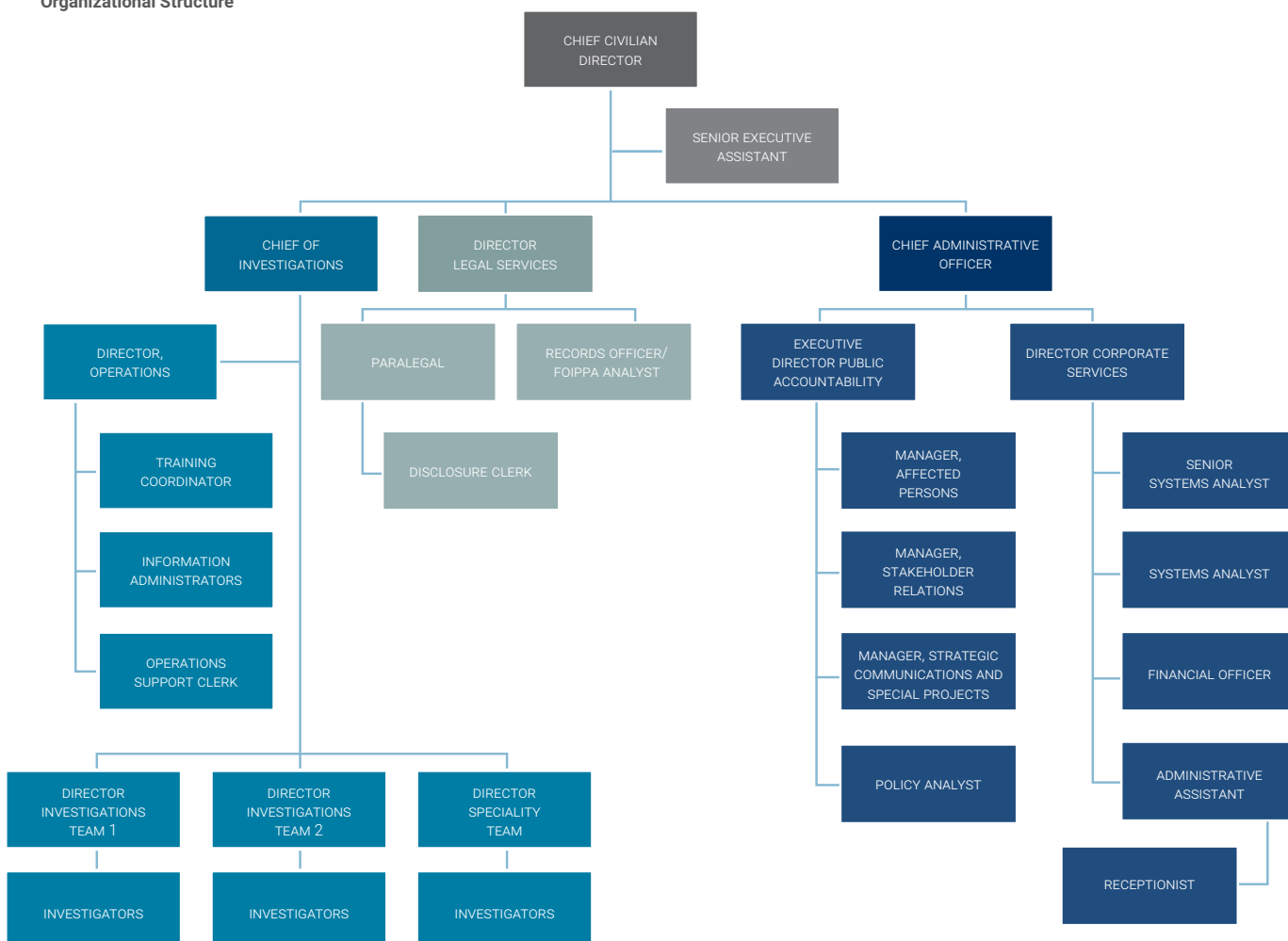


Organizational Structure

The Independent Investigations Office (IIO) is overseen by a Chief Civilian Director and comprised of four key program areas: Investigations, Public Accountability, Legal Services and Corporate Services.

The IIO has a staffing complement of 56 full-time equivalent employees, approximately half of which are investigative personnel.

Figure 3.
Organizational Structure



Program Areas

Investigations

Under the direction of the Chief of Investigations, the Investigations team consists of four teams: two primary investigative teams that rotate being on-call, responding to and conducting investigations; one forensic support team focusing on forensic evidence and motor vehicle collision reconstruction; and, an operations support team that includes a Training Coordinator, Information Administrators and an Operations Support Clerk. Each of the investigative teams is managed by a Director.

Investigation teams respond around-the-clock to critical incidents across the province. They are organized and prepared to deploy to every location in the province to ensure a timely response to officer-involved critical incidents that are within the IIO's jurisdiction.

Investigators are trained to conduct investigations consistent with the best practices in Major Case Management Principles. Preliminary activities include: ensuring the scene is secured; preserving and obtaining evidence; identifying affected persons; establishing witnesses; conducting interviews; confirming the nature of police officers' involvement; designating subject and witness officers; conducting neighbourhood canvasses; and, seizing evidence.

The focus of the Investigations unit this fiscal year has been on the:

- reorganization of four investigative teams into two primary teams, one specialized team and the establishment of an operations support team;
- development and implementation of the IIO Manual of Investigations;
- establishment of an investigative process map;
- creation of an internal training framework that enhances competency and professionalism for investigative staff; and,
- formation of a training program for newly appointed investigators.

Program Areas

Public Accountability

The Public Accountability team provides an around-the-clock interface between the IIO and affected persons, families, police services, media, stakeholders and government. Under the direction of the Executive Director, the team includes specialists who each have unique portfolios.

The Manager of Strategic Communications and Special Projects is responsible for implementing the IIO's External Communication Protocol. This includes responding to media inquiries and acting as the IIO's primary spokesperson; drafting and issuing materials related to IIO operations; maintaining the IIO website and drafting public reports.

The Manager of Services to Affected Persons provides emotional, practical and educational support to affected persons. This includes responding to critical incidents; completing next-of-kin notifications; assisting affected persons in navigating the investigative process; and referring affected persons to community resources.

The Manager of Community Outreach and Stakeholder Engagement provides the linkages between the IIO and a diverse set of constituents. This includes implementing a three-year Community Outreach and Stakeholder Engagement Plan; facilitating community visits; developing and presenting orientation modules to police agencies and responding to public and stakeholder inquiries.

The IIO Policy Analyst provides research and policy support. This includes compiling statistical information; developing and tracking performance measures; monitoring trends and patterns; drafting internal policies and procedures; and improving data collection and reporting.

Highlights from Public Accountability this fiscal year include:

- establishing and implementing an External Communication Protocol for the dissemination of important information;
- developing an internal Services to Affected Persons policy;
- increasing the level of services to affected persons;
- expanding information available to the public on the IIO website;
- broadening public and stakeholder awareness through community presentations and media relations; and,
- continuing the development of an internal policy framework.

Program Areas

Legal Services

The Director of Legal Services provides legal advice on investigations and other IIO legal issues. The Legal Services team files and serves the appropriate documents to ensure the continued right of possession and return of items seized by IIO investigators as evidence.

The Legal Services team also manages records and privacy. Many agencies request IIO records, such as the British Columbia Coroners Service, police disciplinary agencies, involved police agencies, individuals making Freedom of Information requests and parties to civil litigation. The Legal Services team assembles the record and determines what and how records should be disclosed.

This fiscal year's key accomplishments for the Legal Services team include:

- developing and implementing an internal response mechanism for requests pursuant to the *Freedom of Information and Protection of Privacy Act* (FOIPPA);
- hiring of a Records Officer / FOIPPA Analyst;
- initial development of an internal classification system for documents and the management, retention and destruction of documents in compliance with government requirements;
- implementation of a formalized tracking system to support the seizure and retention of evidence; and,
- continuing process improvements around time and quality of compiling investigation packages.

Corporate Services

The Corporate Services team provides a full spectrum of services, including finance, human resources, technology management, contract management and administrative support. This team has the overall responsibility for managing the IIO's budget.

This year, initiatives from the Corporate Services team included:

- participating on the Information Security Workgroup;
- on-going customization of the case management system; and,
- assisting with the development of a Business Continuity Plan.

Strategic Plan

Figure 4.
Mission, Vision, Values



Since July 2013 the IIO has worked with the Ministry of Justice’s Organizational Development Group to form the framework for a Strategic Plan. This framework provides the critical foundation necessary to identify the organizational requirements needed to propel the IIO forward as a leader in civilian oversight. The IIO’s two-year Strategic Plan became operational in July 2014 and is comprised of a series of eight quarters. The design of the Strategic Plan directly aligns with the organization’s Mission, Vision, and Values. The six strategic priorities of the Strategic Plan are: strengthening leadership capacity; development of staff; building effective internal systems; developing a unified culture; building effective communications systems; and, strengthening external stakeholder relationships.

Strategic Plan

There are many deliverables established in the IIO's Strategic Plan. Areas that have achieved substantial success during the fiscal year are highlighted below.

Performance Measures

Throughout 2014–15 the IIO developed key performance indicators that measure operational outcomes in achieving the organization's goals. Each key performance measure has a description, a quantifiable measure and an operational target. The intention is for the 2015–16 Annual Report to include the first year of reporting out on the five performance measures indicated below.

- 1. Timeliness of a Jurisdiction Decision**
Timely decision-making regarding whether the IIO sustains jurisdiction over an investigation.
- 2. Timeliness of Response to a Scene**
An IIO Investigator's timely response to a scene.
- 3. Timeliness of Initial Contact with an Affected Person**
The Manager of Services to Affected Persons' timely initial contact with an Affected Person.
- 4. Timeliness of an Investigation**
The timely completion of an IIO investigation.
- 5. Adherence to the Community Outreach and Stakeholder Engagement Plan**
The IIO's achievement of its community outreach; stakeholder engagement; and education and orientation goals.

Manual of Investigations

A key accomplishment over the last year was the creation of the IIO Manual of Investigations. This manual outlines the philosophy, practice and professionalism of independent, impartial and thorough investigations. The policies, principles and practices identified in the IIO's Manual of Investigations are utilized in critical incident investigations.

The intention is for the Manual of Investigations to be a living document with amendments and additions being made through experiential learning, investigative review and debriefing processes.

Excerpt from the
Manual of Investigations

"Independent investigations that are thorough and incisive are essential for the public and police to have confidence that the powers of statute, common law and discretion available to police officers are being used properly. The guiding principles must be independence, impartiality and thoroughness. There is no place in policing, with the extraordinary powers that may be applied against/upon citizens, for corrupt practices or excessive use of force. Independent investigations must target ascertaining evidence based on the facts of lawfulness, necessity, proportionality and appropriateness in all cases that are investigated. Similarly, evidence based investigations can exonerate police officers who have acted lawfully and dispel myths about police use of coercive force."

Strategic Plan

Jurisdictional Assertion Matrix Project

The Strategic Plan led to the strengthening of the Jurisdictional Assertion Matrix.

The IIO's mandate requires an investigation to be conducted whenever an on or off-duty police officer (or on-duty Special Provincial Constable) causes death or serious harm to any person. The *Police Act*, however, leaves room for interpretation of whether a police officer's actions may have caused death or serious harm (referred to internally as "the nexus question") and whether a person's injury constitutes serious harm¹. The Jurisdictional Assertion Matrix was developed in the IIO's first fiscal year to assist in ensuring consistent means by which the IIO would make jurisdictional decisions. As the IIO program has matured a review of the matrix was necessary.

The revisions were intended to clarify what is or is not classified as serious harm. Discussions occurred internally with a working group of IIO staff as well as externally with the members of the External Advisory Group. Additionally, a literature review occurred on jurisdictional assertion practices in similar agencies in England and Canada.

A revised matrix is now complete. The matrix will be reviewed regularly as a way to establish consistency and appropriate decision-making for the long-term.

Business Continuity Plan

This year the IIO embarked on a long-term project to identify the recovery procedures and strategies necessary to ensure critical services can continue to be provided in the event standard procedures are

overwhelmed by a disruptive event. This process included risk assessments to determine the IIO's range of exposures to both internal and external threats. A business impact analysis synthesized assets to provide effective prevention and recovery for the organization. A framework for building organizational resilience emerged which will assist the IIO in responding to threats in an organized manner.

At the end of this fiscal year, the IIO Business Continuity Plan remains in progress. The search continues for alternate worksites and continuity strategies to assist in the event of a business disruption. The expectation is to have a draft plan completed by summer 2015.

Internal Communications Plan

Internal communication is significant to an organization as it builds organizational culture. Effective internal communication is a central means for the IIO to achieve business outcomes and is a task for which all staff are responsible.

Under these guiding principles, the IIO developed an Internal Communications Plan with the following four objectives:

1. Improving internal communications;
2. Creating and improving a unified culture;
3. Strengthening leadership capacity, and
4. Developing effective internal systems (infrastructure).

¹Serious harm is defined by the *Police Act* as "injury that (a) may result in death, (b) may cause serious disfigurement, or (c) may cause substantial loss or impairment of mobility of the body as a whole or the function of any limb or organ."

Training

Over the past two years, training and professional development was identified as a priority by IIO staff. With this, a Training Coordinator was hired and the IIO's training and development activities are now led internally. This role ensures that training activities are in place to develop specific competencies at each stage of job maturity, as well as to meet the IIO's operational needs and professionalization of investigations.

The training and development focus for 2014–15 included many achievements.

- Training was provided to strengthen the IIO's leadership team and enhance management's role.
- An IIO Investigator Competency Framework was developed. The draft competency areas include: conducting thorough investigations, conducting effective scene management and evidence recovery, conducting structured interviews, conducting effective canvasses, and preparing investigative reports for the Chief Civilian Director.
- A three-week Orientation Program to follow the investigation process was developed. Internal subject matter experts established learning goals, content, and lesson plans for this program.
- A six-month Coaching Program to support and track experiential learning for continuous improvement was initiated. This Coaching Program provides peer guidance and constructive feedback.
- Partnerships and collaboration occurred with the Justice Institute of British Columbia; Canadian Police College West, British Columbia Institute for Technology, and Simon Fraser University. These relationships focused on the professional development topics of: major crime investigative techniques, internet and social media for investigators, ethical decision-making, interview skills, forensics, and trauma exposed workplaces.

Significant Events

Two significant events occurred during this fiscal year: the appointment of IIO's first Civilian Monitor and the resulting report; and, the Special Committee of the Legislative Assembly of British Columbia's review of the IIO's operations and the recommendations from this review.

Civilian Monitor

In its first two years of operation, the IIO conducted an investigation into the Royal Canadian Mounted Police (RCMP) members who responded to a situation on September 9 and 10, 2012, in Prince George, B.C. This incident tragically resulted in Mr. Gregory Matters' death following a police-involved shooting. The results of this investigation were released in two public reports. The Chief Civilian Director (CCD) concluded no criminal offences were committed by RCMP officers involved in this incident.

In spring of 2014 a complaint was sent to the Deputy Attorney General alleging that the integrity of the IIO investigation into the death of Mr. Matters was compromised by actions during and after the investigation by the CCD and other members of the IIO. In response to these allegations and pursuant to the authority in Section 38.08 of the *Police Act*, in June 2014 the CCD appointed Mr. Mark Jetté, as a Civilian Monitor, to review the IIO's investigation of the critical incident that resulted in Mr. Matters' death.

The complete Report of the Civilian Monitor into the September 10, 2012 death of Mr. Gregory Matters, as well as the CCD's response, can be found on the [IIO's website](#).

Significant Events

Special Committee of the Legislative Assembly of British Columbia

Pursuant to Section 38.13 of the *Police Act*, a Special Committee of the Legislative Assembly of British Columbia was appointed to conduct a review of the administration and general operations of the IIO, and to assess the CCD's progression towards civilianization of investigative staff. The Committee was established in February 2014.

Over this fiscal year, the IIO worked to ensure the Committee had all information necessary to fulfil its mandate. This included two presentations with the CCD and IIO staff. Additionally, the Committee had briefings from the Ministry of Justice and consulted with stakeholders and interested British Columbians.

The report of the Special Committee to Review the Independent Investigations Office was made public by way of presentation to the Legislative Assembly on February 23, 2015.

Seven key recommendations were presented to the Legislative Assembly of B.C. The first two recommendations were on civilianization and staffing of former police officers or law enforcement members. The Committee supported the continued civilianization of the IIO and indicated that in exceptional cases, the CCD have the discretion to appoint former police or law enforcement members as investigators in order to provide expertise to complete effective investigations. The Committee made two human resources recommendations. Specifically, that the Ministry of Justice review human resources practices at the IIO to ensure operational effectiveness and compositional mandate, and report publicly on actions taken to address human resources issues. The Committee also recommended that subject to requirements for the protection of information in accordance with the *Freedom of Information and Protection of Privacy Act* that civilian monitor reports be made public. It was suggested that the *Police Act* be amended to require a statutory review of the IIO by a special committee of the Legislative Assembly at least once every six years. Finally, it was recommended that government pursue the steps necessary to implement the use of police body-worn cameras.

The report was formally published on [the Committee's website](#).

Community Outreach and Stakeholder Engagement

This year, the IIO completed its third year of the Community Outreach and Stakeholder Engagement Plan (COSEP): a strategy developed to support outreach efforts across the province. From the outset, the IIO has been committed to meeting people in communities, hearing concerns and answering questions. Over time, the COSEP has evolved to include orientation to police services and other law enforcement agencies; outreach to service providers; and the initiation of pilot programs.

Community Outreach

The IIO has travelled to 23 communities this year and have presented to over 3500 individuals. Venues have included: regional districts and municipal councils; rotary clubs; community-based social service agencies; the RCMP and municipal police detachments; and other police agencies. The IIO is frequently invited to present at local educational institutions.

Stakeholder Engagement

In addition to the public, there are stakeholders that the IIO maintains consistent engagement with. These typically are groups with a specific interest in the IIO and its operations. Some are represented as members of the External Advisory Group² while others the IIO meets with on a regular basis.

Such stakeholder engagement provides an opportunity for the IIO to consult on potential policy changes; seek feedback on outreach activities and engagement strategies; and, obtain advice on how to improve public reporting.

Highlights

26

Presentations to RCMP Detachments

10

Presentations to Municipal or Other Police Agencies

11

Presentations to First Nation Groups

18

Presentations to Local Government

20

Presentations to Community Groups

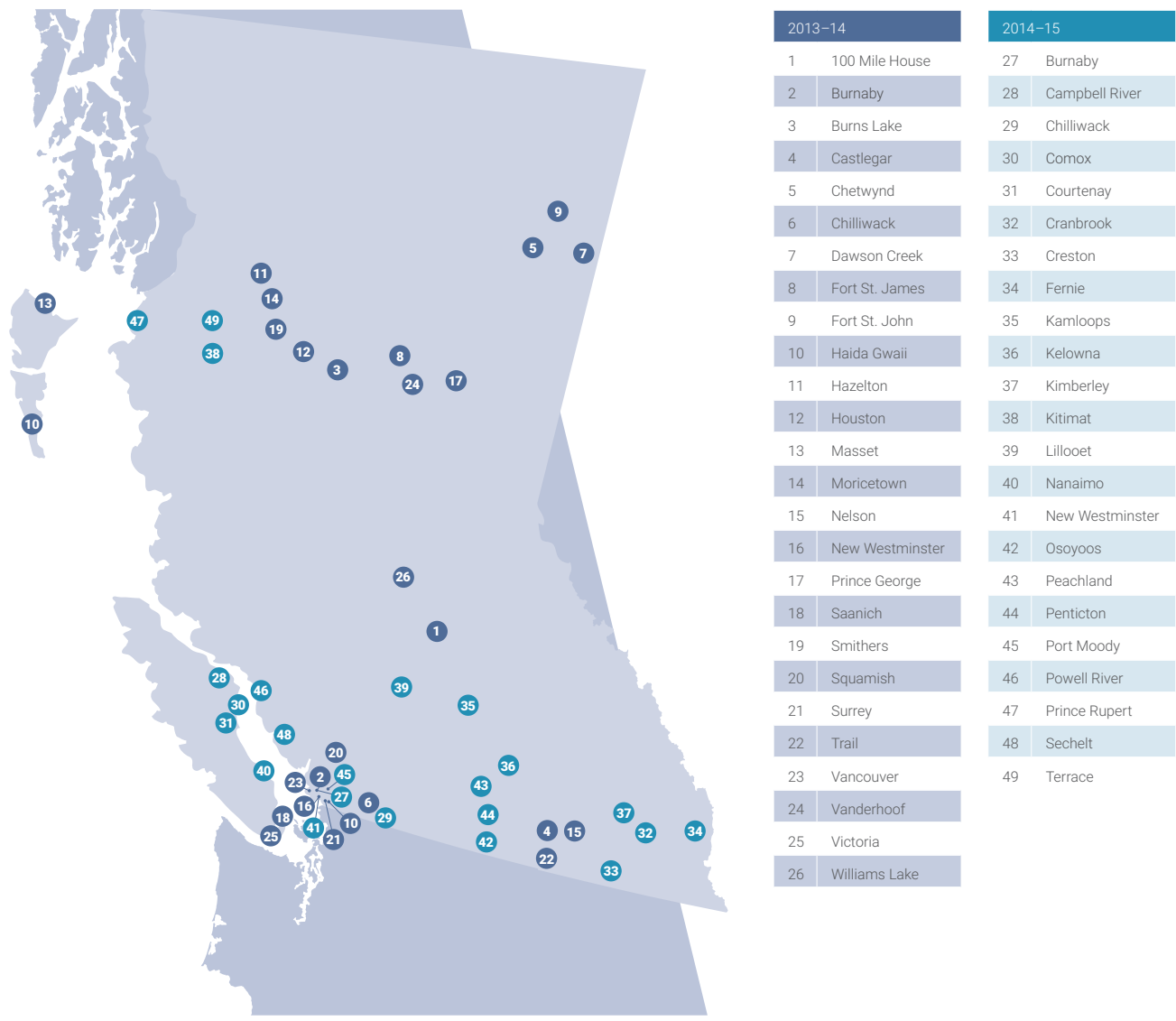
²Representatives include: the Provincial Committee on Diversity and Policing; the Union of B.C. Indian Chiefs; the RCMP E Division; Families for Police Accountability; the B.C. Association of Police Boards; the B.C. Civil Liberties Association; the B.C. Association of Municipal Chiefs of Police; the Multilingual Orientation Service Association for Immigrant Communities; the RCMP Staff Relations Representative Program; the Pivot Legal Society; Justice for Girls; the BC Police Association; the BC Coroners Service; and, the Ministry of Justice's Police Services Division Standards Branch.

Community Outreach and Stakeholder Engagement

Orientation for Police and Law Enforcement

A key service delivery commitment by the IIO is the continued province-wide delivery of police officer education and orientation to the requirements of Section 38 of the *Police Act* and the IIO. This multi-year commitment is provided in conjunction with the following institutions: the Justice Institute of British Columbia Police Academy; police training facilities such as the RCMP Pacific Region Training Center; and local police stations or detachments. At the end of 2015–16 it is anticipated that in B.C. 75% of police officers and special provincial constables will have received the IIO orientation module.

Figure 5.
IIO Communities Visited



Budget

In the 2014–15 fiscal year, the IIO had a budget of \$8,100,000. The expenditures for this fiscal year were \$7,295,770³.

Table 1.
Budget

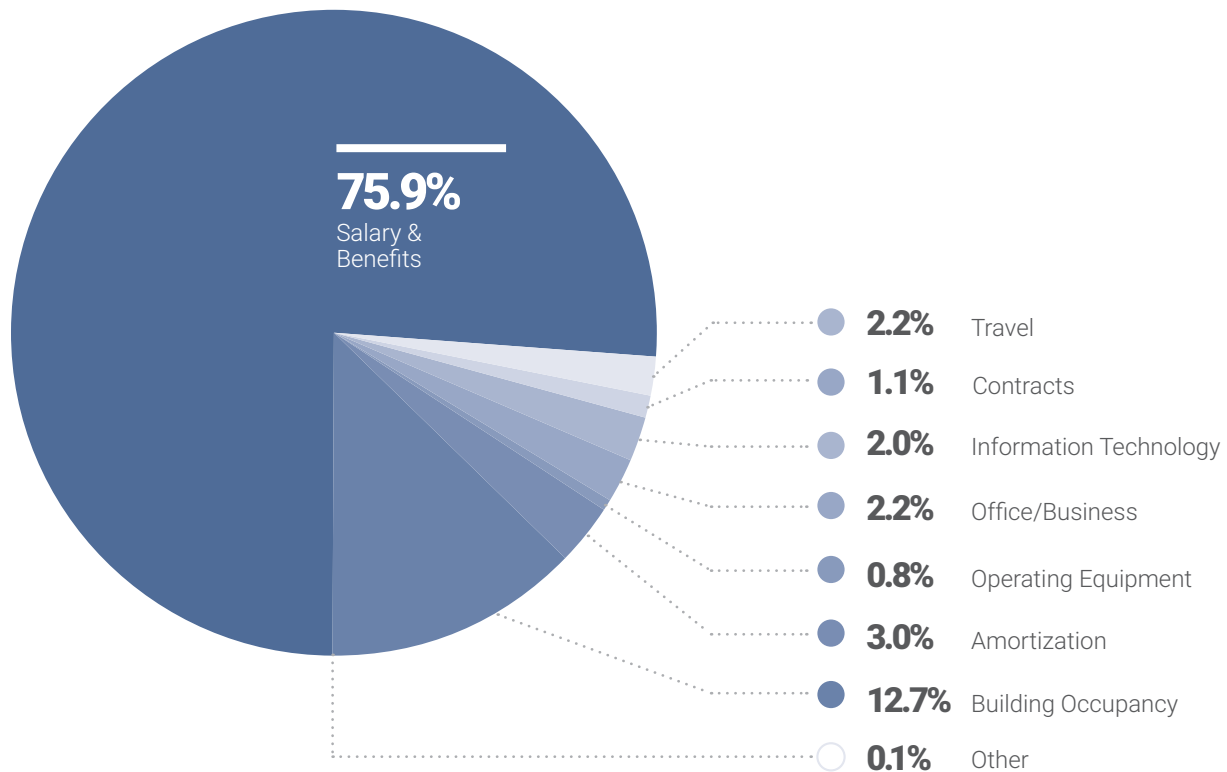
Expenditure Type	2012–13		2013–14		2014–15	
	Budget	Actuals	Budget	Actuals	Budget	Actuals
Salary and Benefits	6,184,000	4,422,790	6,397,000	5,334,536	6,095,000	\$5,536,009
Travel Expenses	720,000	103,483	1,380,000	89,802	161,000	157,170
Contracts	600,000	596,021	245,000	94,177	111,000	79,822
Information Technology	273,000	106,329	281,000	112,717	171,000	149,483
Office/Business Expenses	138,000	217,861	78,000	251,852	208,000	159,340
Operating Equipment	240,000	121,965	270,000	107,126	100,000	57,887
Amortization	567,000	114,083	613,000	222,796	245,000	222,492
Building Occupancy	335,000	885,807	567,000	916,773	945,000	925,788
Other	243,000	41,356	269,000	15,840	64,000	7,779
Total	9,300,000	6,609,695	10,100,000	7,145,619	8,100,000⁴	7,295,770

³The expenditures are accurate as of April 20, 2015.

⁴The 2014–15 budget reductions were made based on the IIO's actual and forecast expenditures since it became operational; and it represents a more accurate analysis of caseload volumes and related costs.

Budget

Figure 6.
Expenditures by Type



Part III



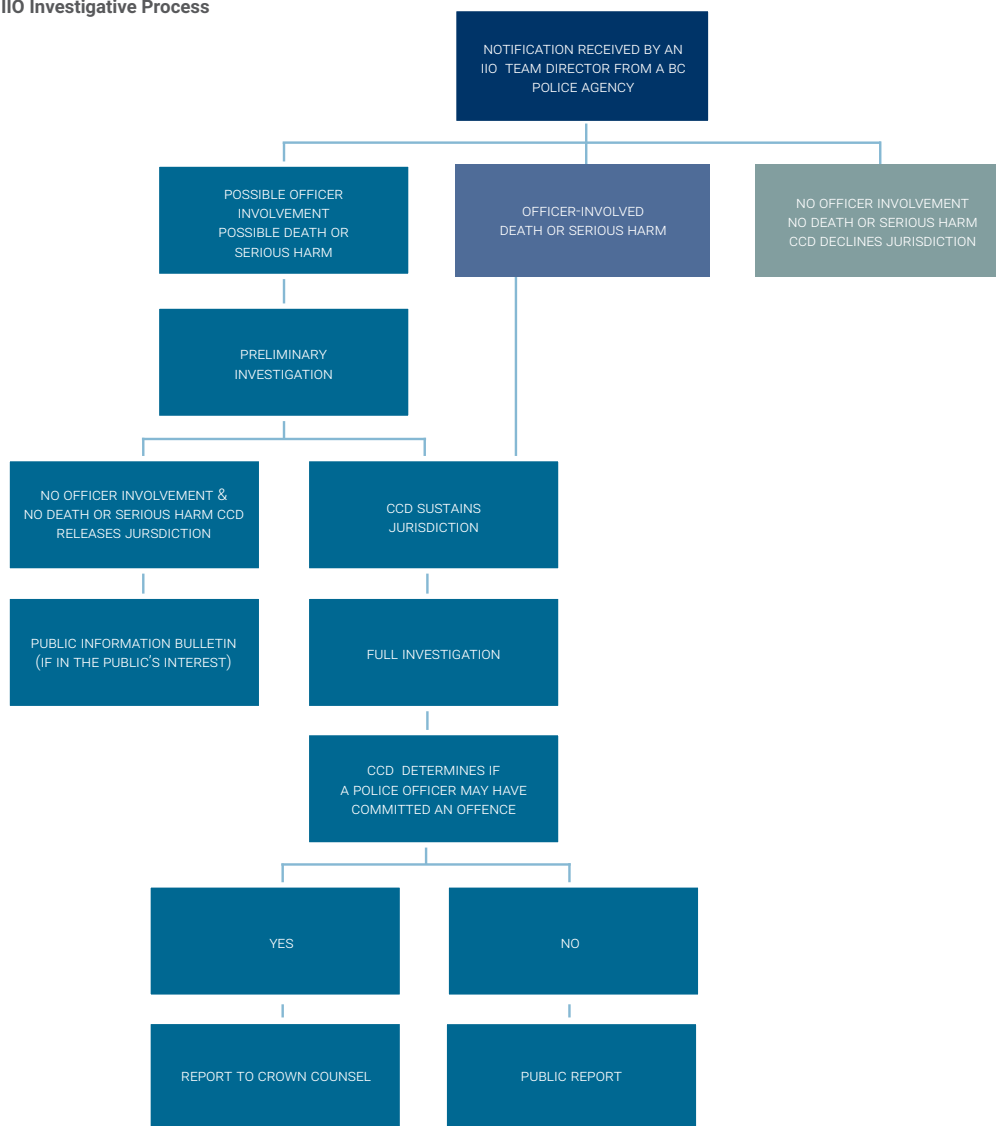
Operational Performance

Under Section 38.12 of the *Police Act*, the Independent Investigations Office (IIO) is required to collect and report on statistical information pertaining to the frequency and types of investigations. This section provides aggregate data analysis of the investigations opened during 2014–15 fiscal year.

Notifications

Pursuant to Section 38.09 of the *Police Act* all police agencies in B.C. are required to immediately report officer-involved incidents involving death or serious harm to the IIO. This is referred to as a notification. In the 2014–15 fiscal year, the IIO received 223 notifications. Merely by coincidence, this was the same number of notifications received during the 2013–14 fiscal year.

Figure 7.
IIO Investigative Process



Operational Performance

The process of sustaining jurisdiction is demonstrated in Figure 7 which outlines the IIO investigative process. Upon receipt of a notification from a police agency, the on-call IIO Team Director considers the information reported to determine if the incident meets the IIO mandate.

The Team Director and Chief of Investigations will recommend one of three decisions upon receipt of a notification: a full investigation where the Chief Civilian Director (CCD) sustains jurisdiction, a preliminary investigation where the CCD requests investigators to further determine if an incident meets the IIO mandate; or, no investigation where the CCD declines jurisdiction. In the case of a preliminary investigation, if it establishes that either the incident was not the result of the action of a police officer or did not result in a death or serious harm, the Team Director and Chief of Investigations recommends the CCD release (or not sustain) jurisdiction.

Out of the total notifications received this year:

- 25% were declined;
- 53% were asserted and a preliminary investigation occurred resulting in the decision to not sustain the incident; and,
- 22% were sustained for a complete IIO investigation.

Of the 174 notifications that were declined or not sustained, 58% were because of no serious harm; 31% were due to no police nexus; and, 11% were because of both factors.

Notifications Time

Notification time is calculated from the incident time until the IIO is notified of the incident. Minimizing this time is particularly important to scene preservation and independent investigations.

In 2014–15, for cases in which the IIO sustained jurisdiction, the average notification time⁵ was 20 hours 11 minutes. This may be seen as a large increase when compared to last fiscal year's average notification time of 4 hours 51 minutes. However, the dispersion of data is important to consider when analyzing these figures. For both fiscal years the rule of excluding significant delays was applied. This exception was classified as 15 days or more.

⁵Two cases with significant delay notifications (15 or more days) were excluded as exceptions.

Operational Performance

In 2013–14, 10 cases with significant delay in notification time were excluded as exceptions. For the current fiscal year only two cases fit into this exclusion rule.

In 2013–14, the notification times included were between 6 minutes and 22 hours 25 minutes. This fiscal year, due to how the exclusion rule applied, the range was much larger (the shortest being 5 minutes and the longest being 14 days 13 hours 3 minutes).

If the exclusion rule was not followed and the next three longest notification times were also excluded (5 days, 6 days, and 10 days) then in this fiscal year 5 cases would have been excluded (less than half of the 10 cases excluded during last fiscal year) and the notification time for 2014–15 would have been 4 hours 38 minutes. This figure is more comparable to last fiscal year's notification time of 4 hours 51 minutes.

Delayed notification occurred for the following reasons:

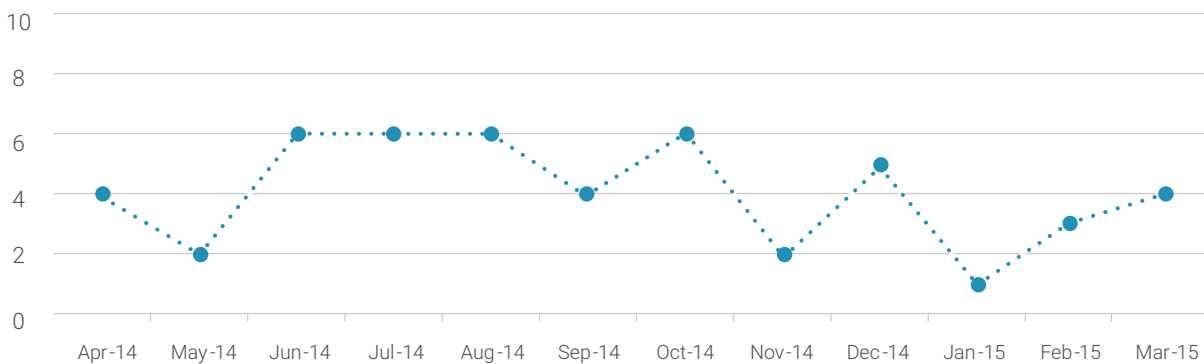
- the notifications were the result of the incidents being reported by the Office of the Police Complaint Commissioner rather than the involved police service;
- an affected person's medical status was unknown at the time the incident occurred;
- an affected person's medical status deteriorated over time; or,
- the involved police service did not connect the affected person's injuries to the actions of an involved police officer.

Operational Performance

Caseload

In 2014–15, the IIO opened 49 investigations. This is a decrease from the 58 that were opened in 2013–14. Despite the decrease in total cases, the severity and complexity of cases increased substantially in the latter half of the fiscal year.

Figure 8.
Investigations Opened by Month



The average number of cases opened each month was four. This is a slight decrease compared to the previous fiscal year (4.8 cases opened on average per month). The number of cases opened each month varied throughout the year, ranging from two to six.

Of the 49 investigations opened this year, 27 (55%) involved the RCMP, 19 (39%) involved the municipal police departments and 3 (6%) were classified as “other”. The cases that were classified as “other” included the Transit police (in two cases), and both municipal police and the RCMP (in one case).

Table 2.
Investigations by Police Agency

Agency	Number of Cases
RCMP	27
Municipal	19
Other	3
Total	49

Operational Performance

Out of 11 municipal police departments in the province, investigations involved six municipal police departments (Vancouver Police Department, Abbotsford Police Department, Nelson Police Department, Central Saanich Police Department, Victoria Police Department and New Westminster Police Department).

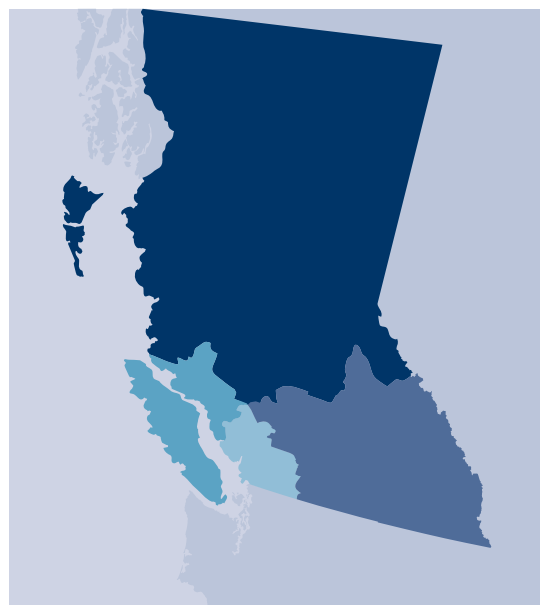
Over half of the cases (53%) occurred in the Lower Mainland. Eleven of the 49 cases occurred in Vancouver, followed by Burnaby and Surrey (4 cases each), Chilliwack (3 cases) and Abbotsford, Kamloops, Nanaimo, and Victoria (each with 2 cases). Overall, investigations completed by the IIO occurred in 27 municipalities across the province.

Table 3.
Investigations by Police Agency Location

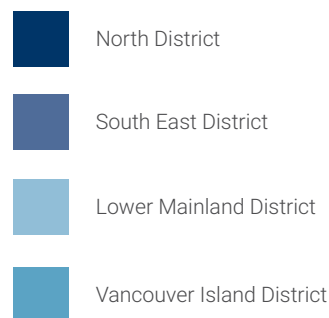
Cases Involving RCMP	
Lower Mainland District	11
North District	6
Vancouver Island District	5
South East District	5
Total	27

Cases Involving Municipal Police	
Vancouver PD	12
Abbotsford PD	3
Nelson PD	1
New Westminster PD	1
Central Saanich PD	1
West Vancouver PD	1
Total	19

Transit Police	2
One Multiple Agency (Municipal & RCMP)	1



RCMP "E" Division Districts



Operational Performance

Case Classification

IIO cases are classified into eight major categories and two sub-categories:

- In-Custody (Death/Serious Harm)
- Conducted Energy Weapon (CEW) (Death/Serious Harm)
- Motor Vehicle Incident (MVI) (Death/Serious Harm)
- Use of Force (Death/Serious Harm)
- Firearm (Death/Serious Harm)
- Self-Inflicted (Death/Serious Harm)
- Other (Death/Serious Harm)
- Police Service Dog (PSD) (Death/Serious Harm)

In 2014–15 the majority of opened investigations included cases of serious harm. In comparison to last fiscal year there is an increase in fatal incidents—accounting for 27% of the total caseload in contrast to 16% in the 2013–14 year.

Table 4.
Investigations by Injury Type

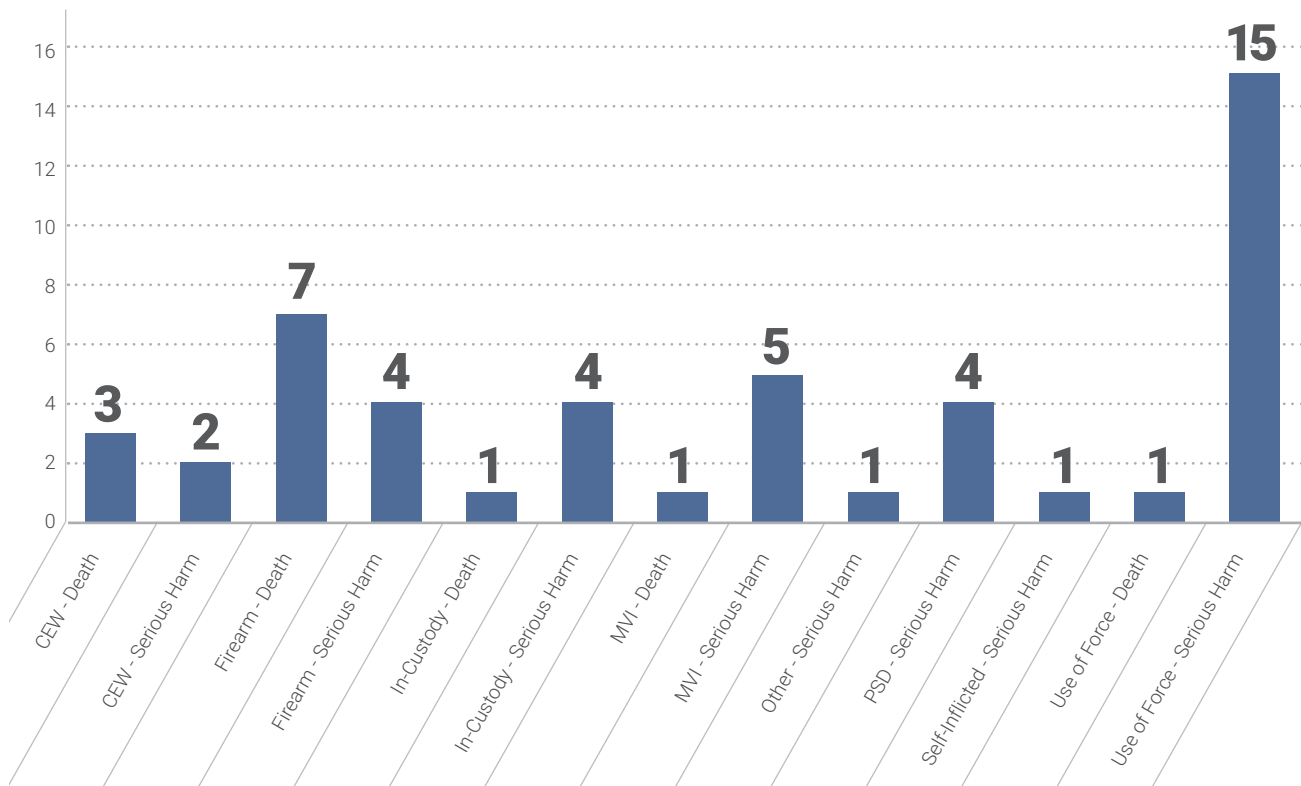
	2012–13	2013–14	2014–15
Type of Injury	Number of Cases		
Fatal	9 (53%)	9 (16%)	13 (27%)
Serious Harm	8 (47%)	49 (84%)	36 (73%)
Total	17	58	49

In 2014–15, use of force cases represented the largest category with 16 investigations. Officer-involved shootings were the second largest with 11 (seven fatal and four involving serious harm).

Operational Performance

The use of force category represents approximately one-third of all investigations in 2014–15. This was an increase from one-quarter of investigations in the previous two fiscal years (use of force accounted for 24% in 2012–13 and 26% in 2013–14). There was a slight decrease in motor vehicle incidents this year (12%) in comparison to the last two fiscal years (18% in 2012–13 and 21% in 2013–14). There was an increase in cases involving firearms from 6% of the total caseload for last fiscal year to 23% this fiscal year.

Figure 9.
IIO Caseload by Incident Classification



Operational Performance

Firearm Cases

In 2014–15, the IIO experienced an increase in the number of firearm incidents involving the police. This fiscal year 11 officer-involved discharges of firearm cases were investigated. Seven of these incidents resulted in death and four resulted in serious harm. All of the 11 discharge of firearm investigations are open—still under investigation—at the end of the fiscal year.

In 2014–15, the average notification time for officer-involved firearm incidents was 31 minutes. Response time is defined as the time between notification and the time the IIO investigators arrive on scene. The IIO was able to ensure a timely response in the firearm incidents both within the Lower Mainland and throughout the province. In 2014–15, the average time between notification and the arrival of an IIO investigator on scene was 5 hours 58 minutes. When considering firearm cases from the Lower Mainland, the IIO arrived at the scene on average within 1 hour 6 minutes of being notified (very similar to the 2013–14 notification time of 1 hour 3 minutes). For firearm cases outside the Lower Mainland (Valemont, Slocan, Victoria and Castlegar) the IIO's response time on average was 14 hours 30 minutes.

Table 5.
Firearm Cases

Municipality	Incident Time	IIO Notified	Notification Time (Min)	Arrival on Scene	Response Time (Min)
Vancouver	2014-04-14 10:30	2014-04-14 10:46	16	2014-04-14 11:46	60
Vancouver	2014-06-10 11:10	2014-06-10 11:30	20	2014-06-10 12:48	78
Valemont	2014-09-17 19:42	2014-09-17 20:25	43	2014-09-18 12:00	935
Slocan	2014-10-13 13:30	2014-10-13 14:00	30	2014-10-14 07:00	1020
Victoria	2014-11-01 11:03	2014-11-01 11:35	32	2014-11-01 16:00	265
Vancouver	2014-11-22 16:47	2014-11-22 17:20	33	2014-11-22 18:28	68
Surrey	2014-12-28 08:07	2014-12-28 08:41	34	2014-12-28 09:45	64
Castlegar	2015-01-29 19:30	2015-01-29 20:06	36	2015-01-30 16:30	1260
Burnaby	2015-03-01 02:35	2015-03-01 03:18	43	2015-03-01 04:24	66
Burnaby	2015-03-20 19:45	2015-03-20 20:10	25	2015-03-20 21:40	30
Burnaby	2015-03-29 05:45	2015-03-29 06:22	37	2015-03-29 08:00	98
Average			31		5hrs 58m

Operational Performance

Fatal Cases

In 2014–15, the IIO opened 13 investigations into incidents that resulted in the death of an affected person. This was an increase of four cases from last fiscal year. As of March 31, 2015, two cases were closed and the remaining nine were open investigations. Both of the closed cases were concluded by public report issued by the CCD. Table 6 provides a breakdown of cases that resulted in death by incident type. The 2014–15 fiscal year has had the most fatal cases since the IIO's opening (both 2012–13 and 2013–14 had nine fatalities). This was largely driven by the high number of officer-involved shootings that resulted in death this fiscal year (seven cases). In the seven months of operation in 2012–13 there were four firearms deaths, last fiscal year there was one.

Table 6.
Fatal Cases

Firearm	7
Conducted Energy Weapon	3
In-Custody	1
Motor Vehicle Incident	1
Use of Force	1

Disposition

When deciding whether to refer a case to Crown counsel the Chief Civilian Director (CCD) has a lower threshold than police agencies. Police agencies in B.C. operate case referrals to the Crown for charges with reasonable and probable grounds threshold. However, per Section 38.11 of the *Police Act*, the CCD is required to refer a case anytime an officer “may have committed” an offence under any enactment. In B.C. the decision to proceed with criminal charges rests with Crown counsel. If the CCD makes a report to Crown counsel pursuant to Section 38.11 of the *Police Act*, there is no recommendation on if or what charges should be considered. Crown maintains full jurisdiction over the charge assessment and charge approval processes.

When no report to Crown has been made, the CCD may issue a public report containing a summary of the investigation, the findings, and an explanation as to why the matter is not being reported to Crown counsel.

Operational Performance

Out of 49 opened investigations in 2014–15, 19 were closed by March 31, 2015. Of these, 12 cases were concluded by public report and seven were reported to Crown counsel. Criminal charges have been approved in one case, charges were not approved in three cases, and three cases are pending the decision of Crown counsel.

Thirty cases from the 2014–15 fiscal year remained open on March 31, 2015. Half (15 cases) are complex firearm or fatal incidents, many where the progress of the IIO investigation is pending third party reports⁶. These will continue to be investigated and closed during the 2015–16 year.

As of March 31, 2014, 18 investigations were open (from the 2013–14 fiscal year) and were concluded in the 2014–15 fiscal year. Of these, eight cases were concluded by public report and ten cases were concluded by a report to Crown counsel. Charges were not approved in nine of these cases, and one case is pending Crown counsel's decision.

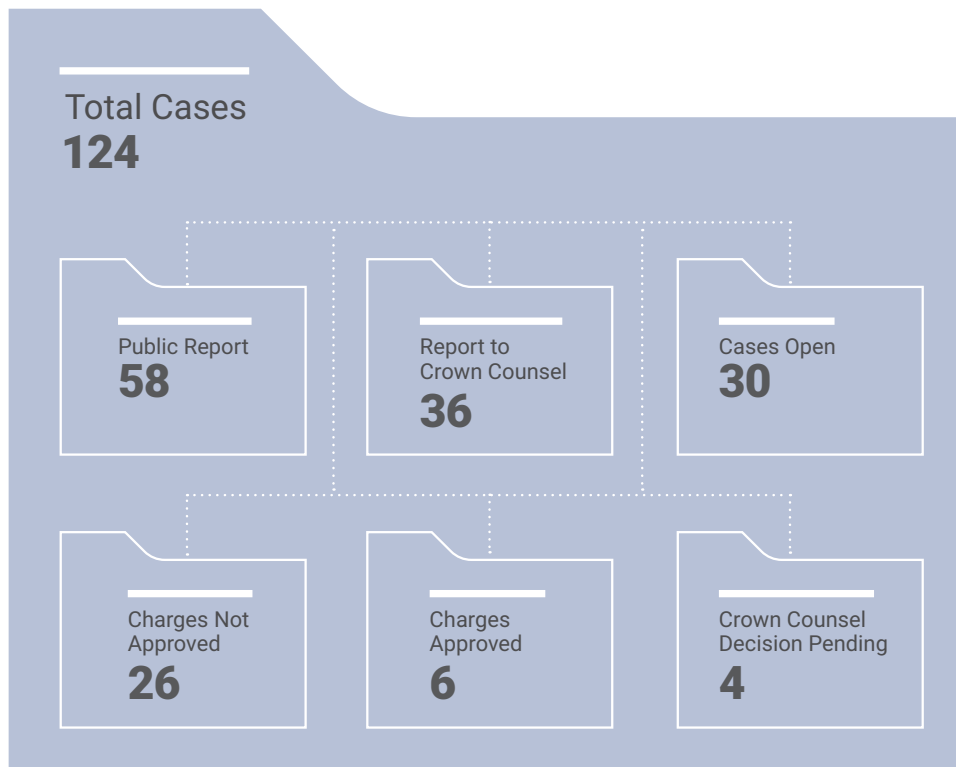
From the cases that were closed in 2014–15 (this includes 18 cases from 2013–14 fiscal year and 19 from the 2014–15 fiscal year), on average investigations were open for 165 days, ranging from 98 to 373 days. The cases where a report was made to Crown counsel for charge assessment were open for an average of 250 days compared to 158 days for cases concluded by public report. Also, investigations into fatal incidents took longer than investigations into incidents resulting in serious harm (204 days compared to 165 days, respectively).

Since its first day of operation, the IIO has opened 124 investigations. Out of these, 36 investigative files have been forwarded to Crown counsel; in six, criminal charges have been approved. The charges approved to date are listed in [Appendix B](#). As of March 31, 2015 the IIO has concluded 94 investigations.

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⁶Third party reports can include autopsy, forensics, ballistics, or traffic reconstruction.

Operational Performance

Figure 10.
Case Disposition from September 2012 to March 2015



A complete fiscal year comparison by operational performance can be found in [Appendix C](#).

Additionally, more information on the status of investigations and a full list of public reports can be found on the [IIOBC website](#).

Operational Performance

Affected Persons

In providing services, the IIO considers an affected person to include: those directly impacted by the incident as well as the next-of-kin, family and civilian witnesses. For statistical purposes, an affected person is an individual who, as a result of interaction with police, dies or sustains serious harm.

In the 2014–15 fiscal year, one of the sustained cases had two affected persons. The affected person data is calculated for a total of 50 individuals.

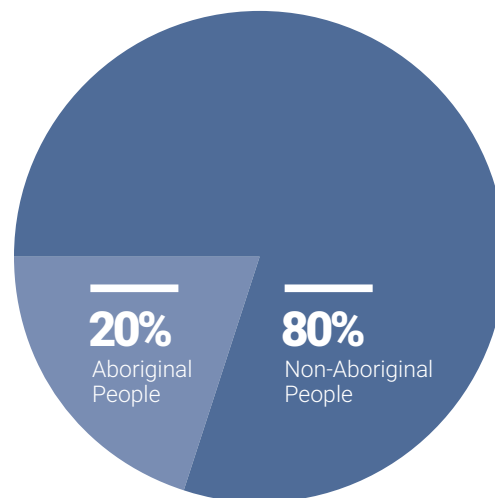
In 2014–15:

- the majority of the affected persons were male (92%);
- the average age at the time of incident was 35 years old (the median was 34.5 years), with the range between 8 and 69 years old;
- at the time of incident, five of the affected persons were minors (under the age of 19)⁷. Two of these minors died and three of these minors sustained serious harm;
- 70% of affected persons were between the ages of 20 and 49, all but one were male;
- one-fifth of affected persons were Aboriginal peoples^{8,9}; and,
- males accounted for 100% of fatalities.

Table 7.
Affected Persons by Age Group and Gender

Age Range	Number of Affected Persons	
	Female	Male
0–19	1	4
20–29	1	9
30–39	-	16
40–49	-	9
50–59	1	7
60–69	1	1
Total	4	46

Figure 11.
Affected Persons by Aboriginal Status



⁷ In British Columbia, children reach the age of majority—when they are considered adults instead of minors—at age 19.

⁸ Aboriginal peoples is a collective name for the original peoples of North America and their descendants including First Nations, Métis and Inuit.

⁹ As identified by the Manager of Services to Affected Persons

Appendix A

Glossary of Abbreviations

A complete list of abbreviations used in the 2014–15 Annual Report is itemized below:

ASIRT	Alberta Serious Incident Response Team
B.C.	British Columbia
CACOLE	Canadian Association for Civilian Oversight of Law Enforcement
CCD	Chief Civilian Director
CEW	Conducted Energy Weapon
CRCC	Civilian Review and Complaints Commission
IIO	Independent Investigations Office
IIU	Independent Investigation Unit
IPCC	Independent Police Complaints Commission
MVI	Motor Vehicle Incident
OPCC	Office of the Police Complaint Commissioner
PSD	Police Service Dog
RCMP	Royal Canadian Mounted Police
SiRT	Serious Incident Response Team
SIU	Special Investigations Unit

Appendix B

Charges Approved

Table 8.
Charges Approved

Date of Charge	Legislation	Charge	Status	Offense	Disposition
24-Feb-15	<i>Criminal Code</i>	Assault Causing Bodily Harm	In Progress		
24-Feb-15	<i>Criminal Code</i>	Assault with a Weapon	In Progress		
20-Oct-14	<i>Criminal Code</i>	Second Degree Murder	In Progress		
20-Dec-13	<i>Motor Vehicle Act</i>	Driving Without Due Care and Attention	03-Feb-14	Failing to yield right of way on left turn	Guilty
19-Dec-13	<i>Criminal Code</i>	Dangerous Driving	30-Oct-14	N/A	Acquitted
7-Aug-13	<i>Criminal Code</i>	<p>1. Intentionally discharging a firearm into a motor vehicle knowing that another person was in the motor vehicle; and;</p> <p>2. Intentionally discharging a firearm while being reckless as to the life or safety of another person</p>	In Progress		

Appendix C

Operational Performance by Fiscal Year

Table 9.
Operational Performance by Fiscal Year

	2012–13 ¹⁰	2013–14	2014–15	Total
Notifications				
Not Sustained	35	60	118	213
Declined	181	105	56	342
Pending	-	-	-	-
Sustained Cases	17	58	49	124
Total	233	223	223	679
Sustained Cases				
Agency				
RCMP	12	33	27	72
Municipal	5	24	19	48
Other	-	1	3	4
Case Classification ¹¹				
In-Custody	-	3	5	8
Conducted Energy Weapon	-	2	5	7
Motor Vehicle Incident	3	12	6	21
Use of Force	4	15	16	35
Firearm	5	5	11	21
Self-Inflicted	2	6	1	9
Police Service Dog	2	9	4	15
Other	1	6	1	8
Injury Type				
Fatal	9	9	13	31
Serious Harm	8	49	36	93
Disposition				
Public Reports	11	35	12	58
Reports to Crown	6	23	7	36
Open Investigation	-	-	30	30

¹⁰ Not a complete fiscal year—September 10, 2012 to March 31, 2013

¹¹ In 2012–13 only six case classification categories were used: firearm, use of force, motor vehicle incident, police dog service, self-inflicted, and medical.

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