



**IIO** INDEPENDENT  
Investigations Office of BC

## ANNUAL REPORT 2017–2018

### 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 sixth annual report of the Independent Investigations Office (IIO) for the fiscal year ending March 31, 2018. This is the first annual report in my tenure as the Chief Civilian Director of the IIO.

I joined the IIO October 24, 2017. Immediately prior to that, I served as the first Director of the IIO's counterpart in Nova Scotia, the Serious Incident Response Team, for six years. My experience in the criminal justice system since 1985, including my time in police oversight, give me the confidence to state that police oversight, when done properly, can have a tremendously positive impact on society as a whole.

Civilian led, independent investigation of police gives British Columbians the assurance that serious incidents involving police will be thoroughly and transparently investigated. That assurance helps build the public's confidence in their police forces, which will instill greater faith in policing and our systems of justice.

On my appointment to this position I outlined to British Columbians through the media what my philosophies of oversight are. I share them here, as they capture what I view are the essential aspects of our business:

**Excellence:** IIO cases will be investigated to the standard required of public interest investigations: excellence and complete thoroughness, to meet the public's expectation that all relevant avenues of inquiry will be examined.

**Community engagement:** The public, in particular those from identifiable communities, will be encouraged to provide advice and assistance to the IIO, by helping us understand the needs of persons affected by the actions of police including those who may be impacted in specific cultural locations.

**Fairness:** The IIO will strive to be fair in its work, and to be seen to be fair. The public, the affected persons, and the police should all have complete confidence in our processes and procedures. Whatever the outcome of the investigation, the IIO must be held to high standards in this regard. We will reach conclusions only after having all the facts. And it will only be those facts which determine the outcome.

**Respect:** Every person who comes into contact with the IIO deserves to be treated with courtesy, candour, care and understanding. Every person is important and will be treated that way.

**Practical transparency:** The IIO will be as transparent as practically possible in all it does. While respecting privacy rights and the needs of investigations, the public and police will be aware of the decisions made in IIO cases, and why and how those decisions were reached.

*Communication: I believe the best way to solve problems is to communicate. Listening to the views of others and sharing ideas helps to lead to mutual solutions, whether working with internal staff or external stakeholders. I am firmly of the view that civilian oversight works best when carried out in partnership with all relevant parties.*

I believe that oversight done in the dark is no oversight at all. Thus, as an oversight agency we have to be as transparent as practically possible. A big part of that is meeting with those who are directly and indirectly impacted by our cases, to share perspectives and learn from each other's experiences. Therefore, since starting at the IIO, I have met with affected persons and their families, subject officers, representatives of Indigenous communities, community leaders, service providers and police.

I have published on our website reports that were critical of the IIO's early days. This includes a review conducted by the Director of Police Services pursuant to s. 42 of the *Police Act* and the review into the IIO's investigation of the fatal incident at the Starlight Casino. All organizations must grow and improve. The release of those reports demonstrated our commitment to recognize that although the IIO may not have always been perfect, we have the strength to acknowledge those issues, learn from them, and move forward.

In January 2018 I initiated the development of a strategic plan to charter the next five years for the IIO. This will be finalized and publicized within the second half of 2018. This plan builds on the foundation laid by the talented and devoted IIO staff. It encompasses feedback from our stakeholders and helps position the IIO as a leading agency in police oversight investigations.

Since my appointment, I have recognized that timeliness in investigations has been one of the biggest challenges for the IIO. Unfortunately, the lack of timeliness has led to some persons losing faith in our processes. Throughout this report, we discuss numerous ways in which the IIO has tackled and continues to tackle this challenge. I am pleased to say that we have made remarkable progress this year and will continue to build on those successes.

Lastly, I want to share that as I prepared to assume my new role as the Chief Civilian Director of the IIO many people asked me what I expected to find when I arrived. I was unable to answer at that time. Now I can: I have found a tremendous group of people who are highly skilled at the job of carrying out the mandate of the IIO. They work well together, support one another, and are devoted to continuous improvement. They embrace the seven principles I outlined above and are a team I know will move forward successfully together into the future of oversight in BC.

**Ronald J. MacDonald, QC**  
Chief Civilian Director  
Independent Investigations Office

# Executive Summary



The IIO's sixth annual report captures the organization's highlights from April 1, 2017 to March 31, 2018.

This fiscal year the IIO has:

- investigated 119 police-related incidents (page 9);
- developed procedures to improve timeliness (page 13);
- increased engagement with stakeholders (page 18);
- introduced a three-investigator team model which proposes one team director and 10 investigators on each team; and
- developed a Training Strategy Report, Competency Framework and Certification Process, and obtained conditional approval to implement from Police Services. In addition, the IIO has delivered many specific training programs for investigators (page 18).

This annual report 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 first section of the report outlines key developments at the IIO. The second part outlines the IIO caseload with a statistical overview of the cases that were investigated within this fiscal year.

In 2017-2018, there have been two significant changes in the approach to the conclusion of investigations at the direction of the Chief Civilian Director (CCD) Ronald J. MacDonald, QC, who stepped into the role in October 2017. The first relates to the CCD's commitment to increase transparency and accountability through public reporting. The second relates to the IIO's standard of referral of cases to Crown Counsel. Both of these are highlighted in greater detail in the Developments section below.

# Developments 2017-2018



## Public Reporting

The CCD now issues a public report in all cases where he determines there is a public interest to explain the investigative steps and rationale for his decision not to forward a case to Crown Counsel.

The IIO's public reports have been simplified to eliminate complexity and instead focus on the information most relevant to the decision made by the CCD. This allows the public to have all the facts needed to understand the rationale behind the CCD's decision, and at the same time allows the report to be more readable and concise.

Public reports are often now issued in cases where the IIO discontinues its investigation once it is determined that the injuries sustained do not meet the IIO mandate, or when it is clear the injuries did not arise from the actions of a police officer. Previously, only the involved persons were notified, and no public report was issued in these cases. This process did not accurately reflect to the public the work undertaken by the IIO, and sometimes failed to answer what might have been public concerns about police actions.

At the conclusion of all IIO investigations, the CCD or a delegate is available to meet with the affected persons, their families, the police officers involved, community representatives, and elders. This is an opportunity for the CCD or delegate to answer any questions which may have not been specifically addressed in the public report.



# Developments 2017-2018



## Crown Counsel Referral Standard

The *Police Act* states that the CCD must refer a file to Crown if it is determined that an officer may have committed an offence under any enactment. The past interpretation of this referral standard by the IIO resulted in some cases being referred to Crown where there was no likelihood of charges being approved. This interpretation resulted in significant delays and an increased workload for the IIO. It also created an unrealistic expectation and additional stress for the affected families, the officers and the community involved.

Following consultation with Crown and other stakeholders and drawing on his extensive experience in the criminal justice system, the CCD has decided to apply a practical interpretation of the referral standard which is consistent with the referral standard used by police. The goal is to refer those cases where the likelihood of charge approval is reasonable (The Crown is responsible for approving charges). As a result, the number of cases being referred to Crown in this fiscal year has decreased from past years, as cases without the likelihood of charge approval are not being referred. The section below on operational performance highlights how this interpretation of the referral standard, combined with improved public reporting, has made it possible to conclude cases in a more timely manner.

The CCD will only refer a matter to Crown where the likelihood of charge approval is reasonable.

# Budget

## Operating

Expenditure Type	2016–2017		2017–2018	
	Budget	Actuals	Budget	Actuals
Salary and Benefits	6,032,000	6,040,006	6,055,000	6,878,267
Travel Expenses	161,000	221,711	161,000	202,654
Contracts	111,000	218,862	111,000	583,245*
Information Technology	171,000	212,298	171,000	493,359**
Office/Business Expenses	208,000	405,873	208,000	387,607***
Operating Equipment	100,000	105,801	100,000	100,834
Amortization	314,000	237,558	314,000	228,661
Building Occupancy	381,000	85,012	381,000	66,466
Other	74,000	242,874	73,000	129,308
Recoveries	0	0	0	(224,121)
<b>Total</b>	<b>7,552,000</b>	<b>7,769,995</b>	<b>7,574,000</b>	<b>8,846,280</b>

## IIO Investigator Certification Program

In fiscal year 2017–2018, the IIO received approval to access operating contingencies in the amount of \$525,000 to develop an IIO Investigator Certification Training Program.

## Capital

In fiscal year 2017–2018, the IIO received approval to access Consolidated Revenue Fund capital contingencies in the amount of \$18,150 for new forensic equipment.

\* Variance is primarily related to the development and implementation of the IIO Investigator Certification Program and other training requirements.

\*\* Variance is due to development and implementation of the IIO's new case management system and other information technology updates. The majority of the recoveries amount went towards offsetting this variance and was obtained from an Information Technology Contingency Fund.

\*\*\* Variance is the result of expenditures related to the IIO Investigator Certification Program, other training and the purchase of forensic supplies.



# Operational Performance

## Notifications

Sections 38.09 and 38.10 of the *Police Act* require police agencies to notify the IIO in circumstances where the actions of a police officer may have led to the serious injury or death of any person.

In previous years, the IIO defined files which involved significant investigative work and ended in a public report or referral to Crown Counsel as investigations. Beginning in the 2017-2018 fiscal year, the definition of an IIO investigation now includes all files in which any investigative work has been conducted. For example, files which may be closed without a public report are now counted as investigations where previously they were defined as notifications. This change has been implemented to better reflect the work that the IIO conducts and offer a more complete representation of workload.

In the 2017-2018 reporting year, the IIO received 173 notifications, which were dealt with in one of three ways:

- **ADVICE FILES:** 54 of the notifications were designated as ‘advice’ files. This occurred where it was clear without the need for investigation that there was either no connection between the actions of a police officer and the injury to an affected person, or where the injury did not meet the definition of ‘serious harm.’ In these incidents, the IIO does not begin an investigation but makes note of the advice provided to the respective police forces regarding the notification.
- **INVESTIGATIONS RESOLVED WITHOUT PUBLIC REPORT:** In the other 119 cases, investigations were commenced; the chart on the next page indicates the breakdown of the involved agency type for the 119 files that were investigated. Eighty-two of these cases were resolved without a public report. Those were cases where it became clearly apparent during the investigation that either the injuries did not meet the definition of serious harm or they did not result from the actions of a police officer. Often this happens quite early in the investigation, while on other occasions investigations of some significance occur. In most of those cases where it was clear a matter did not meet the IIO’s mandate, and the public interest did not require a public report, one was not prepared. Instead, only the interested parties were notified. As discussed above, it is expected the proportion of investigations resolved without a public report will become lower as the IIO is now releasing public reports more often.
- **INVESTIGATIONS RESOLVED WITH A PUBLIC REPORT OR REFERRAL TO CROWN:** Of the 119 investigations commenced in 2017-2018, six were closed by public report and one was referred to Crown for consideration of charges at the end of the 2017-2018 cycle (March 31, 2018). Typically, public reports and referral investigations take the longest to complete and are the most complex. All public reports are published on the IIO website, and the public is notified when a matter is referred to the Crown.

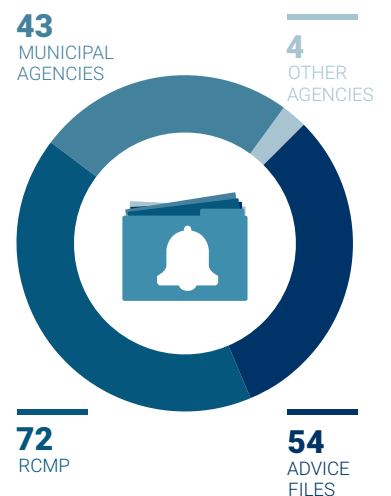
# Operational Performance



At the end of March 2018, 30 of the 119 files remained in the active investigation phase.

Of the 119 investigations, 73 notifications were from the RCMP and 42 were from municipal police agencies. In addition, four notifications came from the Stl'atl'imx Tribal Police Service, South Coast British Columbia Transportation Authority Police Service, and following an incident during a joint operation, from a municipal department and the Integrated Road Safety Unit. Similar to previous years, the distribution of notifications by police agencies corresponds to the population and police force serving that community.

Breakdown of Notifications



# Operational Performance



## Notification Time

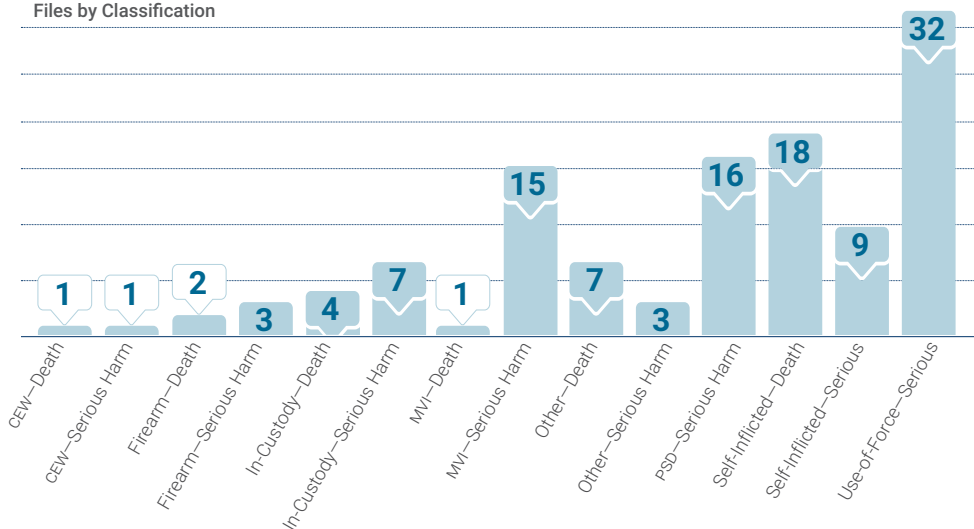
In 2017-2018, the average time for notifications, excluding those with delayed notification of over 24 hours, was 4 hours and 14 minutes. There were 33 incidents where the matter was not reported for over a day. In almost every one of those cases this delay was due to the fact that the extent of the injuries was not known by police at the time of the incident, thus explaining the delay.

There were no instances identified where the IIO considered that a police agency failed to meet their statutory obligation to report.

## File Classification

The table below reflects the classifications at the time of notification of the 119 investigations that the IIO commenced in 2017-2018. The largest category, Use of Force—Serious Harm, represents 27% of all files received. Firearm cases, both deaths and serious harm, account for only 4%.

Files by Classification



Cases are classified as one of the following categories: Conducted Energy Weapon (CEW), Firearm, In-custody, Motor Vehicle Incident (MVI), Other, Police Service Dog (PSD), Self-Inflicted or Use of Force.

There were no instances identified where the IIO considered that a police agency failed to meet their statutory obligation to report.

# Operational Performance

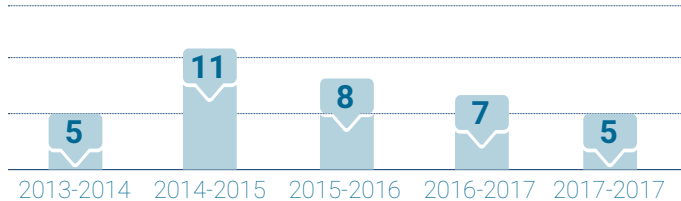


## Firearm Cases

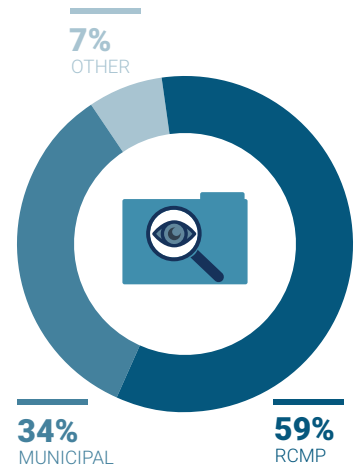
In 2017-2018, the IIO investigated five officer-involved shootings. Three incidents involved the RCMP and two incidents involved municipal police departments (Abbotsford Police Department and Vancouver Police Department). The latter two investigations have been concluded clearing the officers in both incidents, while the three other investigations remained open at the end of March 2018. In all five cases, the affected person was armed with a weapon when the police responded to the call.

The number of firearm-related incidents involving police has decreased consistently over the last five years. In 2017-2018, the category of investigations of officer-involved shootings represented only 13.5% of all investigations. In previous years, firearm-related incidents represented on average just above 20% of all investigations.

Files by Classification



Firearm Investigation 2012-2018





# Operational Performance



## Public Reports

For files concluded by public report in 2017-2018, the average length of investigation was 503 days, or 16.5 months. Significant steps were taken during the year to reduce these timeframes. Since the arrival of the new CCD on October 24, 2017, the IIO issued 16 public reports by the end of March 2018. The average conclusion timeframe for those matters was 458 days, or 15.1 months. The number of public reports issued has also increased from 10 to 23 in the last two reporting years respectively. The IIO is able to issue more public reports in a more timely fashion as a result of efforts to streamline public report content.

In addition, during the same period (October 24, 2017 to March 31, 2018) 36 investigations were completed without a public report. The average conclusion time for those investigations was 28 days.

On average, investigations into fatal incidents which were concluded by public report took just over 17 months while incidents resulting in serious harm, also concluded by public report, took just over 14 months. This difference is reflective of the complexity of fatal investigations, volume of evidence and resource allocation.

# Operational Performance



## Referrals to Crown

In 2017-2018, the average open time for an investigation referred to Crown (between the notification date and the date the CCD made a decision to refer a case to Crown) was almost 17 months. Once the CCD has referred a file to Crown for charge consideration, the Crown may request additional information from the IIO such as supplemental file documentation, additional investigative tasks to be completed or an expert report/opinion. The IIO investigation cannot be considered as fully completed until the conclusion of Crown charge assessment or potential court proceedings.

Of the eight referrals to Crown, in two incidents, charges were laid under section 144(1)(a) of the *Motor Vehicle Act*. In one case, no charges were laid, and five cases are currently pending Crown review as of March 31, 2018.

Given the change in how the IIO applies the referral standard to the Crown, the overall number of referrals to the Crown is expected to decrease. It is expected this will assist in reducing the amount of time it takes to conclude IIO investigations.



# Affected Persons



An affected person is defined as a person who died or suffered serious injuries as a result of an interaction with the police. The IIO has an Affected Persons Program to work with and ensure affected persons or their families receive information about their investigation and have access to customized services.

During this fiscal year, a second full-time Affected Persons Liaison (APL) position was filled and more frequent contact now takes places between the APLs and investigators, and with the affected persons or their families during the course of an IIO investigation.

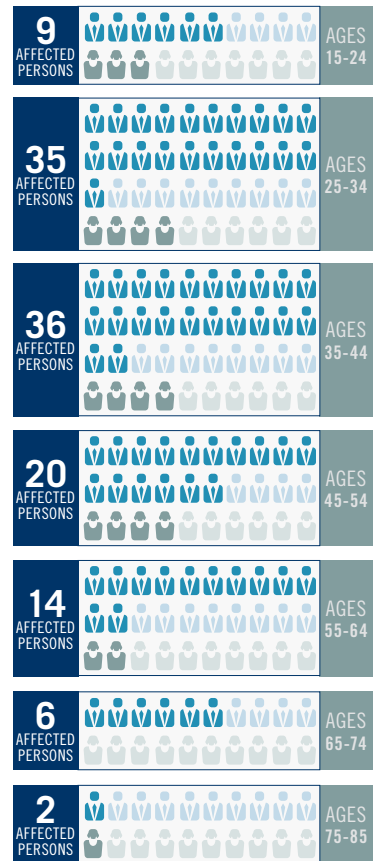
The Affected Persons Program description was updated to reflect improvements. A brochure dedicated to the Affected Persons Program was created, clearly explaining the process of an IIO investigation and outlining the services provided by the APLs. The key deliverables of the program are to provide updates on the progress of an investigation and connect affected persons and/or families with resources based on individual needs and preferences.

The CCD has made it a priority for IIO APLs and investigators to communicate directly with affected persons and their families to provide updates on the status of investigations and at the conclusion of a file.

In 2017-2018, there were 122 affected persons involved in the 119 IIO investigations undertaken. As seen in previous years, it is sometimes possible to have more than one affected person on a case depending on the circumstances of the incident.

Consistent with the previous years, the majority of affected persons are male. In this fiscal year, 85% of affected persons were male, and 15% were female. The average age also remains consistent with previous years at 41 years old, with an average of 42 years of age for females and 41 years of age for males.

2017-2018 Age and Gender Distribution of Affected Persons



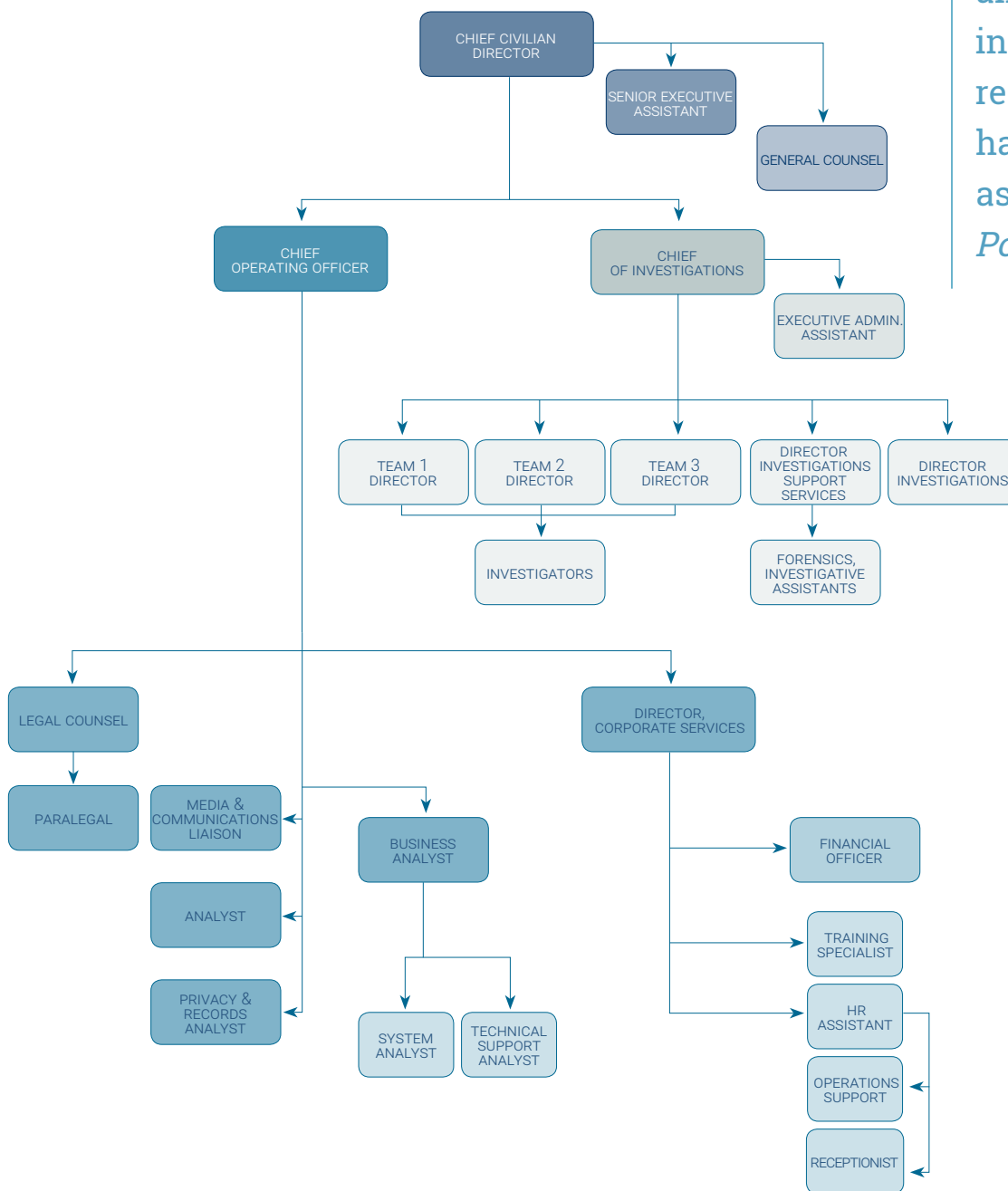
# Program Areas Overview

## Organizational Structure

The IIO is led by a Chief Civilian Director (CCD) and is comprised of two program areas: Investigations and Operations.

As of March 31, 2018, the IIO had 58 full-time equivalent employees, 31 of whom are in the investigations unit.

Organizational Structure



The IIO 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*.

# Program Areas Overview

## Investigations

As of March 31, 2018, the IIO's investigations unit was comprised of 31 staff, 18 who have civilian investigative backgrounds and 13 with former policing experience.

Civilian investigators come from a variety of professions in fields such as the BC Coroners Service, fraud and finance investigations, legal, and experience outside of Canada in roles that include training of law enforcement professionals.

Among the 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 BC.

This unit is led by a Chief of Investigations and includes three investigation teams, and an Investigative Support Services team comprised of a specialized Forensics section, the Affected Persons Liaisons, and Investigative Assistants. Highlights for the investigations unit in the past year include:

- The appointment of Gayle Hogan to the position of Chief of Investigations in September 2017. Gayle previously served the IIO as Acting Chief of Investigations and as a Team Director. Gayle joined the IIO with a strong background investigating major and organized crime after serving for 40 years with the Queensland Police Service, retiring as an Assistant Commissioner.
- The IIO undertook the addition of a third team of investigators, which, when filled, will provide three teams of 10 investigators (and a team director). The additional team permits a one week on, two weeks off on call rotation for investigators. The increased time off call allows investigators greater opportunity to complete important file work without being deployed on other matters.
- Following a competition involving both internal and external applicants, the IIO appointed four internal investigators to Team Director positions, recognizing their capability, development and potential investigators to undertake the role of effective team leaders.
- Building on the file review system introduced in 2016–17, reviews are now held earlier in the investigative process and involve the CCD. These reviews enable timely and responsive decision-making and allow for earlier and ongoing updates to affected persons, families, subject officers and involved police agencies. The file review process continues to positively impact the efficiency and effectiveness of investigations.

# Program Areas Overview

## Operations

The Operations division is led by the Chief Operating Officer and provides organizational support in all non-investigative matters. Support areas include corporate services (finance, information technology, human resources, training, administration), public engagement & policy (media, communications, policy, privacy and records management) and legal services.

Highlights for the Operations division in fiscal 2017–2018 include:

- The development of the IIO Investigator Certification Training Program was a priority throughout the year and has resulted in a standardized training program to guide investigator development and performance. The 24-month training program includes classroom and on-the-job mentoring, input from stakeholder groups and partnerships with the Justice Institute of British Columbia and BC Institute of Technology. Investigators who consistently demonstrate the high level of performance detailed in the Competency Framework, and who advance through the certification process, will be acknowledged as certified oversight professionals. During fiscal 2018–2019, the program will be evaluated to ensure it meets anticipated outcomes, including enhanced performance and increased credibility.
- The IIO is implementing a new case management system (CMS) to establish a firm foundation of processes and procedures to integrate current case management applications and align with Major Case Management (MCM) principles. Implementation of the new system will occur in fiscal 2018–2019 and will directly impact the timeliness of investigations and provide transparency and accountability through public reporting.
- The IIO's Legal Counsel represented the IIO at the 8th Annual Forum on Law of Policing in Vancouver. The panel discussed the differences in police oversight across Canada and some of the legal challenges facing oversight agencies.
- The Chief Operating Officer represented the IIO at the annual Canadian Association for Civilian Oversight of Law Enforcement to discuss professionalizing the field of oversight through standardized training and setting standards. The panel discussed trends, practices, initiatives and programs in place and that are being developed to enhance, standardize and professionalize the practice of police oversight in Canada.
- The IIO organized two meetings of the External Advisory Group (a voluntary group of stakeholders from affected families, Indigenous representatives, civil rights organizations, and police).
- The IIO issued 33 media statements in addition to the public reports highlighted above.
- The Public Engagement and Policy team delivered on its annual stakeholder engagement strategy to increase outreach efforts to communities and groups impacted by IIO investigations, and organized meetings to introduce the CCD to stakeholders across the province.

# Legal Proceedings



During 2017, the IIO filed two applications with the Supreme Court of British Columbia for judicial review in connection with two investigative files. The first application resulted from the refusal of witness officers to attend for interview in an IIO investigation due to a disagreement regarding pre-interview disclosure of investigative materials. The second involved the refusal by an officer to attend for re-interview. The IIO withdrew the court petition in the second case after the parties agreed to have the officer attend for interview. The investigation in the case is ongoing.

In early 2018, arguments for the first application were presented to a Supreme Court Justice by both parties. The central issue was whether the requirement in the BC *Police Act* that officers must ‘cooperate fully’ with IIO investigators in the execution of their duties includes attendance for interview by investigators as directed, or whether officers are permitted to place conditions on such cooperation. After three days of argument, the matter was adjourned for judgement, which has still not been delivered at the time of writing.

# Appendix A: Police Oversight in Canada

## British Columbia

The IIO became operational in September 2012. The organization was established in response to two reports which recommended the establishment of a civilian oversight agency 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:

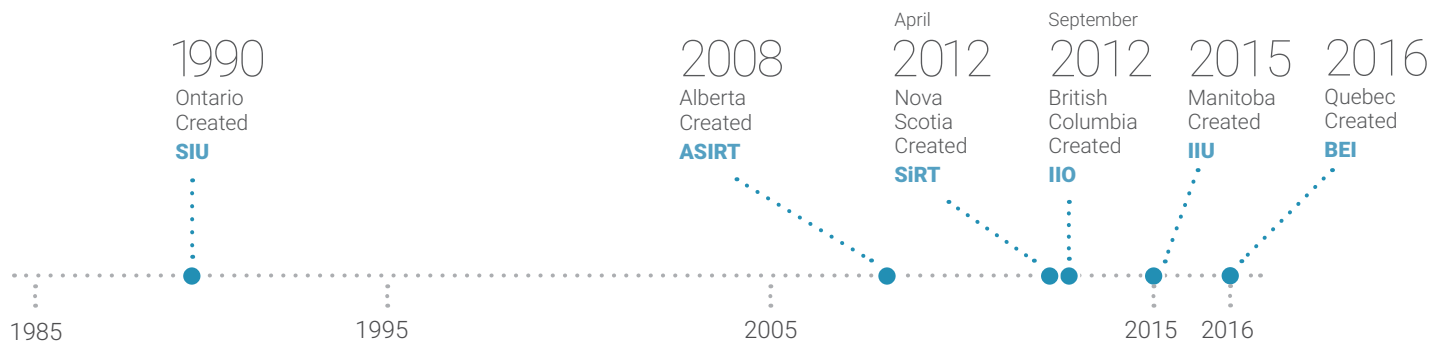
- The Office of the Police Complaint Commissioner (OPCC) conducts investigations into complaints against municipal police officers.
- The Civilian Review and Complaints Commission (CRCC) conducts investigations into complaints made against the RCMP.

Police oversight in BC 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 the RCMP and municipal police agencies in the province.

## Canada

- As of March 31, 2018, there are six other independent serious incident investigation offices in place across Canada.
- Some of these agencies also investigate allegations of corruption (Alberta and Nova Scotia), and sexual assault and domestic violence (Ontario, Nova Scotia and Quebec).
- Some of these organizations also employ seconded police officers as investigators.

Civilian Police Oversight in Canada





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