ANNUAL REPORT 2020-2021

Integrity • Respect Impartiality • Teamwork Professionalism

IIO

IIO



IIO

Mission

To investigate fairly, without bias, and to ensure accountability through public reporting.

Vision

Building confidence in police accountability.

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MESSAGE FROM THE CHIEF CIVILIAN DIRECTOR



I am pleased to present the ninth annual report of the Independent Investigations Office (IIO) of British Columbia for the fiscal year ending March 31, 2021.

The 2020-2021 year has brought some unique challenges as the IIO, like so many others, adapted to working remotely and safely during the COVID-19 pandemic. This is a particular challenge in our line of business where travel is required due to the essential work performed by our office. We had to adapt quickly while ensuring we continued to fulfill our mandate, and I am proud of the resilience exhibited by all IIO employees in rising to meet this challenge.

The IIO's strategic goals remain focused on the critical areas of demonstrating investigative excellence, ensuring timely and thorough investigations, building and fostering relationships with affected persons, police, and the broader community, and nurturing organizational health. The IIO has made significant progress towards these objectives this year, surpassing our goals in many areas. While the IIO will always be an organization committed to continuous improvement, I will also take this opportunity to acknowledge some of our significant accomplishments from this year.

Among the IIO's most important achievements this year was the formal approval of our Certified Oversight Investigator training program, which was granted by the Director of Police Services in March 2021. As this is the first program of its kind in Canada to receive this level of accreditation, I am exceptionally proud of the work of all the IIO employees who have been involved in the project over the last several years. This achievement contributes significantly to advancing the IIO's key strategic objective to demonstrate investigative excellence and strengthen the confidence of police and the broader community in police accountability.

In last year's annual report, I mentioned the importance of receiving statements from subject officers as a measure of the IIO's progress towards our strategic objective to build and foster relationships. I am pleased to advise that in fiscal year 2020-2021, approximately 30% of subject officers provided some form of written statement which exceeds our stated goal of 25%. As subject officers are not required by law to provide any information to the IIO, this milestone reflects the IIO's dedicated efforts to build trust and credibility among police officers throughout the province. Significant strides have also been made to refine IIO processes and improve the timeliness of our investigations. Over the last four fiscal years, the average number of days to conclude a file continues to trend positively while we maintain our high standard of thorough and unbiased investigation. The IIO has also achieved an important measure of success stated in our strategic plan. Namely, in this year, we have met our goal to conclude 80% of death investigations within eight months, and this is through the continuous efforts of our exceptional team. This has been done in spite of a caseload that has increase almost 200% in the last two years. This report details many of our successes and challenges over the last year and provides important data regarding police-involved incidents that result in serious harm or death in B.C. I encourage you to take the time to read about the work that we do on behalf of the people of British Columbia.

Yours very truly,

Borded Wortovel

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



EXECUTIVE SUMMARY

This is the ninth annual report of the Independent Investigations Office of British Columbia. It covers the fiscal period from April 1, 2020 to March 31, 2021 and provides an update regarding the structure, mandate, operations and leadership of the agency.

This report presents information which reflects the achievements and challenges experienced by the IIO over a 12-month period and provides important statistical information regarding investigations and trends observed to support the IIO's commitment to transparency.

Like the rest of the world, the IIO experienced a significant shift in the way we undertake our business as a result of the COVID-19 pandemic. Despite these challenges, the IIO has continued to deliver on our essential mandate and serve the people of B.C.

As you will see throughout this report, in the 2020-2021 fiscal year, the IIO has:

- Undertaken 232 new investigations (see page 8);
- Concluded 52 investigations by issuing a public report (see page 13);
- Referred eight investigations to Crown Counsel (BC Prosecution Service) for consideration of charges (see page 14);

- Concluded 44 investigations by issuing a media release (see page 9);
- Achieved a considerable amount of outreach, despite the difficulties imposed by the ongoing pandemic (see page 26); and
- Received formal provincial approval of the IIO's Certified Oversight Investigator Program (see page 26).

The IIO continues to deliver on its commitments to maintaining timeliness goals by ensuring that files are concluded within a reasonable time frame, being as transparent as practicable, and working to improve or revise processes to be more effective and efficient. The IIO has further worked diligently to increase credibility and trust with law enforcement agencies across the province and with the public overall. This is a result of continuous efforts to build relationships, as well as ongoing engagement with media throughout the province to provide news and updates on the work of the IIO to the people of B.C. The IIO also strives to ensure that the public can easily access regular and timely reports on the outcomes and rationale for decisions on IIO investigations. Each member of the IIO team understands the importance of using every opportunity to educate the public and police on the role and mandate of the IIO, and in doing so we enhance the public's faith in police accountability.

WHO WE ARE

The IIO is a civilian-led oversight law enforcement agency which was created in 2012. It is headed by the Chief Civilian Director (CCD) who, per the *Police Act*, is not permitted to have ever been a police officer. The IIO is mandated to conduct investigations into incidents involving death or serious harm that may have been the result of the actions or inactions of a police officer, whether on- or off- duty.

The IIO's jurisdiction extends to all police officers operating in B.C. This includes 11 municipal agencies, the Royal Mounted Canadian Police (RCMP), the South Coast BC Transportation Authority Police Service (Metro Vancouver Transit Police), and the Stl'atl'imx Tribal Police Service. In addition, officers appointed as special provincial constables and municipal constables are also subject to oversight by the IIO. The IIO does not have jurisdiction over correctional officers in municipal, provincial, or federal correctional facilities, or civilian jail guards.

The IIO's authority is legislated by the B.C. *Police Act*, which requires that police immediately notify the IIO of an incident that may fall within its jurisdiction. An IIO investigation occurs whenever it is determined that there has been serious harm or death; no allegations of wrongdoing on the part of the involved officers is required. All investigations are completed in as transparent a manner as practicable under the circumstances, while respecting the integrity of the investigation and the privacy interests of those

involved. The IIO conducts all investigations to a criminal law standard.

At the end of each investigation, the CCD determines whether there are reasonable grounds to believe that any officer may have committed an offence. This decision is based on the evidence gathered and the input of the investigative team. If there are reasonable grounds to believe an officer committed an offence, the CCD refers the matter to Crown Counsel with the BC Prosecution Service, who then consider whether charges will be laid. If the CCD determines there are no reasonable grounds and it is deemed to be in the public interest to release information regarding the incident, a public report is published to the IIO website. The report enables the public to understand the relevant facts of the case, the evidence examined, and the legal principles applied by the CCD to determine the appropriate outcome.

Ronald J. MacDonald, Q.C has held the role of CCD since October 2017. Upon assuming the role, CCD MacDonald and the IIO team made a commitment to prioritize community relationships and continue to work towards this goal. They regularly reach out to communities and organization across B.C. to help spread awareness about the IIO and its role in police oversight. These outreach initiatives have increased trust in the IIO by both police agencies and members of the public. The IIO works in service to the people of B.C. and is dedicated to this cause.

The IIO is responsible for conducting investigations into incidents of death or serious harm that may have been the result of the actions or inactions of a police officer, whether on- or off-duty.

THE IIO'S GUIDING VALUES

The IIO takes pride in its work, and all IIO staff adhere to five core values:

PROFESSIONALISM: The IIO demonstrates integrity and impartiality when fulfilling the organization's mandate. Every IIO team member strives to approach their role, responsibilities and interactions with the community, police and each other in an impartial, thorough, unbiased, committed, and efficient manner. Compassion and care for each person with whom the team interacts are deeply rooted in the IIO's values.

TRUST: The IIO strives to be fair and to be seen as fair. The public, the affected person(s) and the police should all have complete confidence in the IIO's processes and procedures. Whatever the outcome of the investigation, the IIO must be held to the highest standards.

Aligned with the IIO's 'start from zero' approach, a decision is made only after all available evidence has been gathered and analyzed. The goal is to always be open and authentic in all interactions and actions. It is this approach that builds trust, which is at the foundation of all relationships with affected persons, police and other members of the justice system, the people of B.C. and each other. **EXCELLENCE:** The IIO is dedicated to excellence in all aspects of its work and in all interactions with others. This includes adopting cutting-edge practices that improve the effectiveness of the organization and undertaking world-class training to ensure that employees' knowledge and skill sets are always current. The IIO is committed to continuous improvement, with a strong focus on ensuring consistency in all elements its work. The goal of the CCD and the IIO team is to serve the people of B.C. in a manner that inspires confidence in the organization and police accountability.

COURAGE: The IIO's work is challenging, demanding and a necessary part of a well-functioning society. The IIO team undertakes every investigation as fact-driven professionals that the people of B.C. can count on to do the right thing – even when it's difficult. This means that the IIO must be confident in making hard decisions, in speaking and acting in support of those decisions, and, when necessary, admitting and being accountable if there has been a mistake.

COLLABORATION: As an organization and as professionals, the IIO is committed to act in a respectful, open and curious manner and to being present and mindful during all interactions. Teamwork is at the foundation of the IIO's investigative and operational abilities as staff work towards shared goals and uphold both the organization's and their own personal values. The IIO stands on a strong foundation of encouraging respectful dialogue and communication and operating with practical transparency.

DEVELOPMENTS 2020-2021

INVESTIGATIONS

The IIO is mandated to conduct investigations into police-related incidents that result in death or serious harm. Pursuant to sections 38.09 and 38.10 of the *Police Act*, all police agencies in B.C. must notify the IIO immediately when such incidents occur. There does not need to be any allegation of wrongdoing for the IIO to investigate.

The *Police Act* defines serious harm as an 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 of the function of any limb or organ.

When the IIO is notified that an incident has occurred, a Team Director, as a delegate of the CCD, will determine whether there is a connection between police actions or inactions, and the injury or death of the affected person. The Team Director will also examine whether the injuries sustained by the affected person meet the threshold for serious harm. In many cases, it is determined during initial investigative steps that the level of injury sustained by the affected person does not meet the required level of seriousness, or it becomes apparent that there is no connection between the serious harm or death and police actions or inactions. When these circumstances arise, and there is clear and objective evidence to support those conclusions, the investigative team will summarize the evidence to corroborate that one of those two conditions are not met and provide that information to the CCD for decision. Approximately 84% of investigations opened in 2020-2021 were concluded in this manner.

If it is determined that the actions or inactions of any officer are connected to the serious harm or death of the affected person, and the level of injury meets the threshold of serious harm, the IIO will continue the investigation. An investigative team will be assigned and will deploy to the scene of the incident as required. All investigations are subject to rigorous and ongoing review before the CCD is satisfied that it may be concluded. The length of time to complete an IIO investigation varies depending on the complexity of the investigation. Many are concluded within a week of the IIO receiving notification about an incident, while others may take over a year to complete. The IIO also relies on expert services, such as autopsy reports and firearms analysis from third-party service providers. Investigations which require several of these reports tend to be delayed as the IIO waits to receive those essential analyses.

Once the investigative team has successfully collected and analyzed all available evidence, a file review is held. The file review process provides an opportunity for the facts to be presented to the CCD who, after consultation with the IIO's General Counsel, Legal Counsel, and investigative team, will determine if reasonable grounds exist to believe an offence has been committed. IIO investigations are concluded in one of three ways: with a public report or media release, by making a referral to Crown Counsel for consideration of charges, or without a public report or media release where the privacy interests of the involved parties demand it, or it is otherwise not in the public interest to release a statement.

ADVICE FILES

In situations of a report from a police agency about a possible case where it is immediately apparent that the actions or inactions of police did not play a role in the death or serious harm of the affected person, or where the injuries sustained by the affected person clearly do not meet the level required to be considered serious harm, the notification is recorded as an advice file. Although a file number will be assigned for administrative purposes, no investigative actions are taken.

FILE NUMBERS

In the 2020-2021 fiscal year, the IIO received 339 notifications of incidents from police agencies across B.C.



Of the 339 notifications, 106 were classified as advice files as they did not meet the IIO's mandate to investigate. Investigations were commenced into the remaining 232 notifications received.¹

OPEN INVESTIGATIONS

At the end of fiscal year 2020-2021, a total of 52 investigations remained in progress. Forty-nine of these were opened within the previous 12 months, while three were greater than 12 months old.

¹ One investigation into a Nova Scotia wrongful conviction matter is not included in the number of investigations for statistical purposes.

CONCLUDED INVESTIGATIONS

During the 2020-2021 fiscal year, 104 investigations were concluded.² Information regarding the incident and outcome were published on the IIO website:

- 44 concluding media releases were published;
- 52 public reports were made available (see page 13 for more information about media releases and public reports); and
- 8 referrals to Crown Counsel (BC Prosecution Service) were made, with accompanying media releases (see page 14 for more information).

NOTIFICATION TIME

As indicated in the file numbers section, the IIO commenced 232 investigations in fiscal year 2020-2021. Of these, 13.8% were reported within an hour of the incident having occurred, 22.8%, were reported between one and three hours after they occurred, 37.5% were reported between three to 24 hours later, and 8.2% were reported between 24 and 48 hours later.

TIME BETWEEN WHEN THE INCIDENT OCCURRED AND THE TIME WHEN THE IIO RECEIVED A NOTIFICATION



In 41 instances, the IIO was notified more than 48 hours after the incident occurred. As in previous years, these delays can be attributed to the affected person or their family reporting the incident at a later date when it was realized that serious harm had occurred, the severity of the injuries was not initially determined to have met the IIO's threshold for serious harm and was found upon routine review by the police agency, or another oversight agency noted that serious harm had occurred and referred the matter to the IIO. The explanations for delay in all 41 instances were deemed reasonable.

² These include all files concluded during fiscal year 2020-2021, regardless of the year in which the investigation was commenced.

FILES BY DISTRICT

The IIO defines the involved police agency as the home detachment of the officer whose actions are the subject of IIO investigation. As there may be more than one subject officer, there may also be more than one involved police agency. In the 2020-2021 fiscal year, there were a total of 233 involved police agencies which are grouped in the graph below by both district and type.

DISTRIBUTION BY DISTRICT, BY AGENCY TYPE



% OF IIO INVESTIGATIONS COMPARED TO % OF B.C. POPULATION, BY DISTRICT





The preceding graph shows the percentage of IIO investigations that were undertaken in each district and the percentage of the population of B.C. that resides in that district.³ The data reflects that the proportion of IIO files in the lower mainland district

is lower than the population and the island district is roughly proportionate. In contrast, the percentage of IIO files in the north and southeast districts exceeds the percentage of the population that lives there.

NUMBER OF IIO INVESTIGATIONS PER CAPITA, BY DISTRICT



Put another way, the above graph highlights the number of IIO files per capita (or for every 100,000 people) in each district. As this is the first year the IIO has produced data by district and compared on a per capita basis, there is insufficient data to draw any conclusions at this stage. Further data from subsequent years may help to clarify any trends that may exist.

³ The population estimate used is based on 2018 data sourced from https://catalogue.data.gov.bc.ca/dataset/population-of-policing-jurisdictions-in-bc/resource/195a8e5d-3610-438f-bea9-1342d997e877.

FILES BY CLASSIFICATION

The IIO classifies files into the following categories according to the primary mechanism of the affected person's injury or death:



Files that are classified as "other" involve circumstances that are not well-aligned with the broader classification groups identified or may include elements that could appropriately be classified under multiple categories. In the context of IIO investigations, self-inflicted injuries or deaths are those that occur as a result of some action on the part of the affected person. For example, an individual who sustains a serious injury when they fell while running from police would be classified as self-inflicted. The IIO has eliminated the in-custody category this year because being in custody is not a mechanism of harm, although serious harm and death may occur there. These files are more appropriately classified by the condition which caused or contributed to the serious harm or death, such as medical, use of force, etc.

In contrast to previous years, in this fiscal year the self-inflicted category represented the greatest overall number of files at approximately 33% of investigations.



FILES BY CLASSIFICATION



FIREARM CASES

There were six officer-involved shootings in fiscal year 2020-2021. Three resulted in death, while the other three affected persons were seriously injured. All six incidents remain under investigation.

PUBLIC REPORTING

The IIO works in service to the people of B.C., and the IIO values the trust placed in our agency by the public. To maintain that trust, the IIO is committed to consistently meeting or exceeding the public's expectations of timely, competent, thorough, and fair investigations, along with as much transparency during the process as possible. Providing relevant information regarding police-involved incidents and the IIO's decision-making process are essential to meeting these goals.

When a file review is held, the CCD, General Counsel, Legal Counsel, and investigative team discuss all dimensions of the incident to determine if there are reasonable grounds to believe that an officer may have committed an offence. If the evidence supports the conclusion that there are reasonable grounds, the investigation is referred to Crown Counsel with the BC Prosecution Service for consideration of charges.

If, on the evidence, there are no reasonable grounds to believe that an officer committed an offence, the IIO investigation will be concluded either by issuing a public report, media release, or without further comment.

The involved parties – the affected person(s) and subject officer(s) – are provided with timely updates regarding the status of the investigation. When a decision has been made, the investigative team and Affected Persons Liaison will contact the impacted parties to advise them of the CCD's decision as soon as practicable. If requested, the CCD or a delegate will meet with the affected person, their family, the police officers, community representatives or members of the media to answer any remaining questions. The IIO understands that police-involved incidents are difficult for all involved parties and is dedicated to treating everyone with due respect and courtesy.

All public reports are published to the IIO's website. Where there is a referral to Crown Counsel for consideration of charges, the IIO will publish a media release to the IIO's website to inform the public. Links to all public releases are also posted to the IIO's social media accounts.

In some circumstances, the IIO will not issue a public report where the public interest does not outweigh the privacy interests of the parties involved. The IIO may issue a media release with limited information in lieu or conclude the investigation without further public comment. In other circumstances, the IIO may delay the issue of a public report due to concurrent court processes related to the incident, or if a sensitive, ongoing police investigation may be adversely impacted by such a release. The IIO may also publish a media release in these circumstances to advise the public that a decision has been made, which will indicate if a public report will be issued in future.



REFERRALS TO CROWN COUNSEL

At the conclusion of an investigation, if the CCD determines that there are reasonable grounds to believe an officer may have committed an offence, the matter will be referred to Crown Counsel with the BC Prosecution Service for consideration of charges. The IIO does not directly lay charges against officers.

In determining whether charges will be approved against an officer, the BC Prosecution Service must be satisfied that there is a substantial likelihood of conviction based on the evidence gathered by the IIO, and that the prosecution is required in the public interest.

If charges are approved, the BC Prosecution Service will issue a media statement which includes the name of the subject officer who has been charged and what the charges are. The matter will then proceed through an appropriate court process. If the BC Prosecution Service does not approve charges, they will release a clear statement which includes a detailed narrative of events and explains the legal principles applied in making the decision not to approve charges.

In fiscal year 2020-2021, eight investigations were referred to the BC Prosecution Service for consideration of charges. Of those eight, charges have been approved in one file, no charges were approved in two files, and the remaining five are pending charge assessment.



8 Cases referred to Crown Counsel

YEAR-OVER-YEAR COMPARISONS

OVERALL CASELOAD

Compared to fiscal year 2019-2020, the number of notifications and investigations undertaken have increased substantially. As reflected in the graph below, there was a 40% increase in notifications and a 20% increase in investigations, compared to last fiscal year.

The IIO has observed a 40% increase in notifications and 20% increase in investigations in fiscal year 2020-2021, and nearly a 95% increase in caseload since the 2018-2019 fiscal year.



YEAR-OVER-YEAR CASELOAD COMPARISON

* One investigation into a Nova Scotia wrongful conviction matter is not included in the number of investigations for statistical purposes.

PUBLIC REPORTING

In the 2019-2020 fiscal year, the IIO concluded 78 investigations with some form of public information being provided.⁴ As previously noted, this number grew to 104 in fiscal year 2020-2021, reflecting a 33% increase in overall public reporting.



FILES CONCLUDED DURING FISCAL YEAR 2020-2021

TIMELINESS

One of the IIO's key strategic objectives focuses on ensuring investigations are as timely as they are thorough, and a year over year comparison of the number of days to conclude a file continues to improve. In fiscal year 2017-2018, it took an average of 84 days to conclude an investigation. In contrast, it took only 69 days in 2018-2019, 64 days in 2019-2020 and has taken only 43 days on average to conclude a file in 2020-2021.⁵

An important measure of success in timeliness, as identified in the IIO's strategic plan, indicates that the IIO should conclude 80% of death investigations within eight months. In fiscal year 2020-2021, this goal has been met as 65 death investigations of the 81 undertaken were closed within eight months, reflecting 80% of files.

Of the 232 investigations commenced in this fiscal year, 183 have been concluded which reflects that 79% of files were closed in the same year they were opened. This is consistent with the conclusion rate in previous years, despite the noted increase in caseload, and clearly demonstrates the IIO's continued commitment to concluding investigations in a timely manner.

These statistics continue to trend positively and represent the IIO's ongoing commitment to this important goal.

- ⁴ This reflects all files concluded during the fiscal year, regardless of what year the investigation was commenced.
- ⁵ Note that two files remain open from 2019-2020 and 49 from 2020-2021, and therefore the average number of days will increase as more files are completed.

NOTIFICATIONS

The graph below shows the distribution of notifications by month over the last four fiscal years. Eight of the twelve months in fiscal year 2020-2021 reflect record high numbers of notifications.

In 2017-2018, the IIO undertook 127 investigations out of 177 notifications, reflecting that approximately 72% of notifications were investigated. This increased to 193 investigations commenced out of 242 notifications in fiscal year 2019-2020, or nearly 80%. In fiscal year 2020-2021, the proportion of investigations relative to notifications decreased to 68% as 232 investigations of 339 notification were undertaken. Despite this, the IIO still commenced 39 more investigations this fiscal year compared to last, indicating an increasing workload. This increase in workload is even more stark when one considers that in the two past years the number of investigations has almost doubled. The decrease in proportion of notifications investigated may be attributed to many factors, including an increase in reporting from police agencies and the public of injuries that do not rise to the required level of serious harm as defined by the *Police Act*.





SERIOUS HARM AND DEATH INVESTIGATION COMPARISON

Over the last four fiscal years, the proportion of serious harm and death investigations has remained fairly stable at 70% and 30%, respectively. There was a modest decrease in the proportion of serious harm investigations relative to death in fiscal year 2020-2021, at 65% and 35%, respectively. In contrast to the classification of death files over the past four years, there is a clear increase in deaths attributed to the self-inflicted category. A modest increase in files classified as "other" and "medical" was also observed this year. As noted, the other classification is typically used to denote unusual circumstances that do not fit into an existing category or that may fit into multiple categories (see explanation of the self-inflicted and other classifications on page 12).

NUMBER OF FILES CLASSIFIED AS SERIOUS HARM OR DEATH



DEATH FILE CLASSIFICATIONS YEAR-OVER-YEAR COMPARISON⁵



AFFECTED PERSONS

Affected persons are those who sustained serious injury or died during a police-involved incident. The IIO's two full-time Affected Persons Liaisons provide support and regular updates to the affected person throughout the course of an IIO investigation. In cases where the affected person has died, the Affected Persons Liaison will assist and provide updates to the deceased's next of kin. There may be one or more affected persons involved in an IIO file. For example, if several people are seriously injured in a motor vehicle incident involving a police officer, they may all be considered affected persons.

The IIO is committed to supporting affected persons and families through this challenging time in their lives. Some of the ways that Affected Persons Liaisons provide assistance include making referrals to community services and resources, practical assistance such as arranging temporary housing, providing timely updates regarding the status of ongoing investigations, and conveying questions from affected persons to the investigative team.

AGE AND GENDER DISTRIBUTION OF AFFECTED PERSONS

There were 235 affected persons in the 232 investigations that commenced in fiscal year 2020-2021. Forty-two identified as female, while 193 identified as male.

The average age of male affected persons was 40 years with a range from 15 to 79 years. For females, the average age was 39 years, and their ages varied between 9 and 95 years. The average age for all affected persons was 40 years.



⁶ https://www12.statcan.gc.ca/census-recensement/2016/as-sa/fogs-spg/Facts-PR-Eng.cfm?TOPIC=9&LANG=Eng&GK=PR& GC=59

ETHNICITY

In the 2020-2021 fiscal year, the IIO started collecting ethnicity data for affected persons on a voluntary basis. Of the 235 affected persons, 90 chose to identify their ethnicity. Fifty-five identified as White, 25 identified as Indigenous, six identified as Asian, two indicated they were European, and two identified as being from Latin, Central or South America. While it is difficult to draw firm conclusions from these numbers given that they are based on voluntary declaration, these numbers suggest an over-representation of Indigenous persons in our investigations. According to 2016 Census, Indigenous persons represent 6% of B.C.'s population.⁶ Of the 90 people who identified their ethnicity, 28% identified as Indigenous. Including the 145 who chose not to identify their ethnicity, the 25 individuals who identified as Indigenous still reflect almost 11% of the total 235 affected persons.

ETHNICITY OF AFFECTED PERSONS



PERSONS IN CRISIS

In 2014, retired Supreme Court Justice Frank lacobucci in his independent review entitled "Police Encounters with People in Crisis" developed some key criteria for determining if a person is considered to be in a state of crisis, and the IIO has adapted these factors for use in an oversight context.⁷

To determine if the affected person in an IIO investigation was in a state of crisis immediately prior to or during the interaction with police, one or more of the following must be observed:

 Their behaviour brought them into contact with police because of a need for urgent care within the mental health system; Police were contacted to protect the affected person or those around them because the affected person was in a mental or emotional crisis;

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- They displayed erratic, threatening, or dangerous behaviour;
- They were, or appeared to be, mentally ill; or
- The affected person was described as emotionally disturbed by police and/or other witnesses.

In files from the 2020-2021 fiscal year that were concluded as of March 31, 2021, 67 affected persons were determined to be in a state of crisis prior to or during the interaction with police. This represents 36% of affected persons.⁸

- ⁷ https://www.torontopolice.on.ca/publications/files/reports/police_encounters_with_people_in_crisis_2014.pdf
- ⁸ Sixty-seven out of 186 affected persons on 2020-2021 files that were concluded by March 31, 2021.



SUBJECT OFFICERS

The IIO designates officers by the role they played in the incident under investigation. An officer whose actions or inactions are the subject of an IIO investigation is designated as a subject officer, while an officer who was present during the incident but did not cause or contribute to the serious harm or death of the affected person is designated as a witness officer. The IIO does not designate subject officers on every file, and this is particularly evident in files that are concluded quickly. As noted previously, approximately 84% of IIO files are concluded when initial investigative steps confirm that there was no connection to police actions or no serious harm. Where that connection is found to be non-existent, no subject officers are designated. In fiscal year 2020-2021, 47 subject officers were designated in 37 investigations.9

One of the IIO's key objectives, as identified in the 2018-2022 strategic plan, is to build and foster relationships with all stakeholders, including the policing community.¹⁰ One important measure to track progress is the percentage of subject officers who choose to provide any form of statement to the IIO although they are not required to do so by law. While the stated goal of 25% was nearly achieved last year with 23%, this year the goal has been exceeded as 30% of subject officers provided some form of written statement. This information is critical in many investigations where the subject officer is the only person who understands what they knew or believed to be true at the time and what factors impacted their decision-making. This provides additional evidence for the CCD to consider in making his decision, and ultimately delivers a more fulsome investigation for families and communities.

⁹ This does not include files which remained under investigation at the end of the fiscal year.

¹⁰ https://iiobc.ca/app/uploads/sites/472/2019/02/IIO-STRATEGIC-PLAN_Website-Version_Dec13-2018.pdf

OPERATING BUDGET

	2019-2020		2020-2021	
Expenditure Type	Budget	Actuals	Budget	Actuals
Salary & Benefits	7,361,000	6,972,564	7,122,000	7,600,534
Travel Expenses	161,000	168,649	154,000	62,138 ⁱ
Contracts	111,000	230,460	284,000	210,403 ⁱⁱ
Information Technology	441,000	709,730	816,000	875,237
Office/Business Expenses	460,000	286,186	317,000	189,952 ⁱⁱⁱ
Operating Expenses	100,000	118,753	164,000	96,382 ^{iv}
Amortization	314,000	170,197	158,000	95,368∨
Building Occupancy Charges	381,000	63,114	43,000	20,929 ^{vi}
Other	74,000	38,555	20,000	25,123 ^{vii}
Recoveries	(3,000)	(33,068)	(3,000)	(1,902)
TOTAL	9,400,000	8,725,140	9,174,163 ^{viii}	9,174,163

ⁱ Variance due to reduction in travel (pandemic restrictions).

ⁱⁱ Variance due to deferral in training contract costs.

^{III} Variance due to expense management & reduction in non-government travel due to pandemic restrictions.

^{iv} Variance due to minimal vehicle repairs/maintenance and facility repairs due to reduction in use (pandemic restrictions).

- ^v Variance due to the removal of vehicle amortization as all current vehicles are fully amortized.
- vi Variance due to deferral of building occupancy costs.
- ^{vii} Variance due to administration costs for Indigenous Youth Internship Program.
- viii Includes approved contingencies.

PROGRAM AREAS

ORGANIZATIONAL STRUCTURE

The IIO is made up of two key program areas: Investigations and Operations.

As of March 31, 2021, the IIO had 62 employees, 48 in the investigations unit and 11 in operations. Three additional employees are not classified as investigations or operations: the Chief Civilian Director, General Counsel, and Executive Coordinator.

As the organizational chart shows, the executive team for the IIO includes the Chief Civilian Director, Chief Operating Officer, Chief of Investigations, Operations, and Chief of Investigations, Strategy, Performance, and Engagement.



INVESTIGATIONS UNIT

The investigations unit is led by the two Chiefs of Investigations (COI) and is made up of the following:

- An Executive Administrative Assistant;
- Five Team Directors (TDs), three of whom lead the three investigative teams, one who leads the investigations support services team, and one focused on new investigator induction and stakeholder outreach;
- Three investigative teams with 10 Investigators each when at full capacity;
- An investigative support services team, which includes three Forensics Support Investigators, an Investigative Analyst and two Affected Persons Liaisons (APL); and
- An investigative specialist team, which includes one Traffic Reconstructionist, one Investigator (special projects), one Investigative Analyst, and one Indigenous Youth Intern who undertakes the work of a Community Programs Officer.

The CCD, COIs, TDs, all investigators (including forensics) and the APLs have Peace Officer status.

IIO investigators have a wide range of expertise. Of the IIO's complement of 30 Investigators (including forensics), 15 have civilian investigative backgrounds and 15 have policing experience.

The Investigator's backgrounds include a multitude of experience areas that uniquely support the IIO's mandate. Examples of non-policing experience include fraud and finance investigations, the BC Coroners Service, and legal and law enforcement training. The investigations unit also has several former police officers who have extensive experience in major crime investigations, forensics and emergency response.

Highlights for the investigations unit for the 2020-2021 fiscal year include:

- The IIO has laid the groundwork for establishing the first Indigenous Civilian Monitor. The Police Act outlines the role of the Civilian Monitor as a person to "review and assess the integrity of a specific investigation." The Civilian Monitor will bring their unique experiences to bear in this critical role, and the appointment of an Indigenous Civilian Monitor will allow for greater trust, communication, and collaboration.
- Development of a Community Liaison position is underway, and, like the Civilian Monitor, this temporary appointment will assist the IIO by providing cultural, historical, and community background to the investigative team.
- A further five Investigators were certified through the IIO Investigator Certification Program. The certification panel included two panel members who were external to the IIO.
- In March 2021, an Order in Council (OIC) authorized the IIO to investigate allegations that members of the RCMP in Nova Scotia may have inappropriately destroyed evidence that was used in the 1999 wrongful conviction of Glen Assoun. The investigation will also consider whether any member of the Halifax Regional Police committed any offence related to the investigation.

OPERATIONS

The operations division is led by the Chief Operating Officer. This team has responsibility for organizational support in all non-investigative matters. These areas include:

- Corporate services (finance, information technology, human resources, facilities, training and administration);
- Media and communications;
- Policy;
- Privacy and records management; and
- Legal services (including four Investigative Assistants)

Highlights for the operations division for the 2020-2021 fiscal year include:

- Recruited and successfully onboarded a new cohort of Investigators.
- Hosted the second annual Community Policing Oversight Joint Forum in the fall of 2020 which brought together different stakeholder groups virtually to discuss topical issues where the interests of the respective groups converge as well to gather insights on key areas the IIO can improve upon such as increasing diversity.
- Delivered Trauma Informed Practice (Enhancing Group and Individual Psychological Health at the IIO) training to all staff as part of our ongoing commitment to organizational health.
- In March 2021, the IIO Certified Oversight Investigator Training Program received final approval from the Director of Police Services. The development of this program started in 2017, and conditional approval was first received in 2019. Since then, the IIO has worked collaboratively with staff at the Policing and Security Branch to review and enhance elements of the program towards the IIO's goal of investigative

excellence. This certification is the first recognized program of its kind in Canada and represents a significant accomplishment for our organization.

LEGISLATIVE CHANGES

In May 2019, Bill 31 – 2019 amended the *Police Act* subsection 38.06(3) for a period of two years, beginning on June 1, 2019, to temporarily remove the IIO's restriction from hiring investigators who have been members of a B.C. police force in the previous five years. The change has allowed the IIO to recruit former officers with more recent experience in major case management and broadens the talent pool for hiring investigators. This was important as the IIO has struggled to hire to full staffing levels due to limited qualified applicants. This clause is expiring at the end of May 2021 and will revert to requiring that five years must have passed for any former police officer to be considered for a role as an oversight investigator.

The IIO's leadership continues to place the greatest emphasis on recruiting the right people to carry out the important work that the team does, regardless of their professional background.



COMMUNITY ENGAGEMENT

The overarching goal of the IIO is to bring the best service possible to British Columbians. An important part of accomplishing this goal is through building strong, healthy, and reciprocal relationships and increasing awareness of the IIO's oversight role for the people of B.C. The IIO defines its outreach program as involving external agencies and organizations for the intended purpose of increasing awareness, trust, and building strong relationships, separate from any ongoing IIO investigation.

In 2019, a community outreach and stakeholder engagement plan and schedule were developed by the IIO to be implemented over a period of 18 months. The plan focused on key areas such as community associations, groups, health care professionals and members of the public across the province to create stronger strategic relationships and for the IIO team to learn more about the diverse communities of B.C. Unfortunately, the implementation of this plan was greatly affected by the onset and continuation of the global COVID-19 pandemic. While much face to face outreach was put on hold due to safety concerns, the circumstances provided an opportunity to review and amend the previous plan.

In fiscal year 2020-2021, through the accomplished outreach initiatives the IIO reached 345 individuals with 19 different agencies and organizations in 10 locations across the province. A significant proportion, 59%, of the IIO's outreach initiatives involved police agencies, from whom the IIO received positive feedback about our outreach efforts. A notable engagement was with the Compliance and Enforcement Group of BC Provincial Government Agencies, many of which have Special Provincial Constables within their ranks who are subject to IIO oversight when exercising their powers. Further, following outreach to one specific agency, some subject officers in attendance provided statements to the IIO when an incident was reported. The focus on outreach to police during this fiscal year reflects the IIO's strategic commitments to building relationships and timeliness. Outreach to police increases understanding of and appreciation for the IIO's role in public accountability; it also provides the added benefit of detailing how obtaining information

from subject officers can greatly assist in improving the timeliness of IIO investigations. Since subject officers are not legally obligated to provide information to the IIO, illustrating the link between supplying evidence to a measurable benefit for both officers and British Columbians has contributed to 30% of subject officers providing some form of written statement in files that were concluded in this fiscal year.



OUTREACH LOCATION DISTRIBUTION

Over the past year, the IIO has also been fortunate to witness the impact and success of outreach initiatives through formal and informal feedback. One specific example involves the Nuu-chah-nulth Tribal Council. The IIO met with a council member multiple times throughout the year to initiate and set up an outreach presentation with the community to build and maintain strong relations. The IIO's established relationship with the Nuu-chah-nulth Tribal Council contributed to the anticipated appointment of a civilian monitor from the community in response to a specific case the IIO is investigating in their territory. This underlines the importance of outreach and the wider impact it can have.

The IIO has developed a revised strategic outreach plan and has allocated specific resources to ensure it can be successfully implemented, including the work of the Community Program Officer. In the 2021-2022 Strategic Outreach Plan, the IIO has identified the following areas as outreach priorities:

- First Nations communities
- Social service providers
- Academic institutions secondary and post-secondary
- Police agencies new recruits, Tribal police, and police unions

Following implementation of the Province's BC Restart Plan, the IIO is looking forward to actualizing in-person outreach goals and building upon new and previously established relationships.

APPENDICES

APPENDIX A: TERMINOLOGY

ADVICE FILES: Advice files are made when it is immediately evident that there is no connection between the action or inaction of a police officer and the death or injury of a person, or if the injury does not meet the threshold for serious harm as defined in the *Police Act*. In these instances, the file is completed immediately and is assigned a number without further investigation.

AFFECTED PERSON: An affected person (AP) in an IIO investigation is the individual who has suffered serious harm or died in a police-involved incident. If an AP is deceased, their family is offered support and updates. The IIO uses "affected person" instead of victim or other similar labels to maintain neutrality that is consistent with the IIO mandate to conduct fair and unbiased investigations.

AFFECTED PERSONS LIAISON: The IIO has two full-time Affected Persons Liaisons (APLs) to ensure consistent contact throughout the investigation between the investigators and the affected persons or their family if the affected person is deceased.

The IIO's Affected Persons Program provides the opportunity for the APLs to work one-on-one with the affected persons and/or their family to ensure they receive consistent and accurate information and that they are updated on the progress of the investigation. APLs also work to connect affected persons and/or their family with resources in their community, based on individual needs and preferences. **CHIEF CIVILIAN DIRECTOR:** The IIO is headed by a Chief Civilian Director (CCD) who cannot ever have been a member of a police force. The CCD holds the responsibility of giving oversight to all investigations and for making the final determination on the result of a file with consideration of the evidence presented and of the input of the investigators. The CCD can be appointed to serve a maximum of two five-year terms by Order in Council.

CONCLUDING AN INVESTIGATION: At the conclusion of an investigation, the CCD considers, based on the evidence, if an officer's actions are lawful or if there are reasonable grounds to believe that a police officer may have committed an offence. If reasonable grounds exist, the CCD may refer the matter to Crown Counsel (BC Prosecution Service) for consideration of charges. It is Crown Counsel's responsibility to decide if charges will be laid.

If the CCD determines that the evidence does not support a referral to Crown Counsel (BC Prosecution Service), a public report may be issued which provides a chronology of events while detailing the evidence considered and the rationale for the decision. In some circumstances, it may not be in the public interest to issue a public report; when this occurs, the IIO will close a file without issuing one.

CONCURRENT INVESTIGATIONS: IIO

investigations are frequently conducted alongside other agencies' investigations such as the BC Coroners Service (in the case of a fatality) or a police agency (when the affected person is facing criminal charges related to the same incident).

FIGURE 1 – CONCURRENT INVESTIGATIONS IN A FATAL INCIDENT INVOLVING POLICE



CROWN COUNSEL: Crown Counsel are prosecutors who work for the BC Prosecution Service under the Ministry of the Attorney General. The BC Prosecution Service operates independently of the Government and within the justice system. They also operate independently of the IIO.

IIO: The Independent Investigations Office (IIO) of B.C. is a civilian-led police oversight agency responsible for conducting investigations into incidents of death or serious harm that may have been the result of police actions or inactions, whether they are on- or off-duty. The IIO holds jurisdiction over all police agencies throughout B.C. Investigators travel across the province to conduct investigations as required.

INVESTIGATIVE STEPS: Investigative steps at the IIO typically include the following activities as required: ensuring scene security, preserving and obtaining perishable and other evidence, identifying affected persons, locating witnesses, conducting interviews, confirming the nature of the involvement of a police officer(s), designating subject and witness officers, conducting neighbourhood canvasses, analyzing evidence, and seeking expert forensic assistance. **INVESTIGATORS:** The IIO investigations team is comprised of both non-police and police-trained civilians. Approximately half of the IIO investigators are former police officers who have NOT served as a police officer in B.C. Investigators without policing backgrounds have significant experience in a range of investigative, legal, regulatory, and enforcement agencies. The IIO also has a specialized forensics team that conducts scene examinations, as well as monitors and reviews the work of police agency forensics personnel. This oversight is done to ensure that scene processing and evidence collection is done according to best practices.

MANDATE: The IIO is mandated by the B.C. *Police Act* to conduct investigations into police-related incidents of death or serious harm. The IIO's jurisdiction includes all police agencies throughout B.C., whether they were on- or off-duty at the time of the incident. Police agencies are required to notify the IIO of any incident that may fall within the IIO jurisdiction.

NOTIFICATION & INITIAL INVESTIGATION:

When there is an incident involving a police officer or an agency member, the police agency is required to notify the IIO.

Upon notification, the IIO immediately holds jurisdiction. The primary focus of all IIO investigations is to establish whether the incident falls within the IIO's mandate, meaning the circumstances must meet a two-part test:

- 1) Is there serious harm or death, as defined by the *Police Act*?
- 2) Is there a connection between the death or serious harm and any actions or inactions of police officer(s)?

If an initial investigation determines that the incident does not meet the IIO's mandate, the IIO will usually conclude the file. When the IIO continues an investigation, the investigation will determine whether or not the actions/inactions of a police officer(s) were reasonable and proportionate, given the circumstances. The investigation will also determine whether the police action was lawful or if there are reasonable grounds to believe that the subject officer(s) may have committed an offence.

POLICE AGENCY: A police agency is an organization comprised of law enforcement officers. In B.C., police officers include municipal police forces such as the Vancouver Police Department, all B.C. RCMP detachments, Transit Police, and the Stl'atl'imx Tribal Police.

SERIOUS HARM: Serious harm is defined in the *Police Act* as injury that may result in death, may cause serious disfigurement, or may cause substantial loss or impairment of mobility of the body as a whole or of the function of any limb or organ.

SPECIAL PROVINCIAL CONSTABLES: The IIO has jurisdiction over any officer who operates in the province of B.C. Examples of Special Provincial Constables include officers from outside of B.C. who are in the province conducting an investigation and enforcement officers within various branches of government, such as the gaming and enforcement branch.

SUBJECT OFFICERS: Subject officers are defined in a memorandum of understanding between police agencies and the IIO as the police officers whose presence, action or decision is reasonably believed to have been a contributing factor in the death or serious harm of any person. Subject officers have the same rights as any other Canadians who may have committed an offence, including the choice to remain silent and to refrain from providing notes, documents or statements to the IIO.

WITNESS OFFICERS: Witness officers are police officers who were involved or present during the incident but are not believed to have caused the serious harm or death. Witness officers are compelled to cooperate in an IIO investigation, which can include being interviewed and/or submitting notes and documents.

APPENDIX B: STATISTICAL DATA DISTRIBUTION OF NOTIFICATIONS BY AGENCY (Excluding advice files)





RCMP	District	Freq
100 Mile House detachment	NORTH	2
Anahim Lake detachment	NORTH	2
Bella Coola detachment	NORTH	1
Burnaby detachment	LMD	3
Burns Lake detachment	NORTH	3
Campbell River detachment	ISLAND	1
Castlegar detachment	SOUTHEAST	2
Chase detachment	SOUTHEAST	2
Chemainus detachment	ISLAND	1
Chetwynd detachment	NORTH	1
Chilliwack detachment	LMD	8
Clearwater detachment	SOUTHEAST	1
Comox Valley detachment	ISLAND	2
Coquitlam detachment	LMD	1

RCMP	District	Freq
Cranbrook detachment	SOUTHEAST	1
	SOUTHEAST	1
Creston detachment	NORTH	1
Dawson Creek detachment		
Fort St John detachment	NORTH	1
Grand Forks detachment	SOUTHEAST	1
Kamloops detachment	SOUTHEAST	10
Kelowna detachment	SOUTHEAST	5
Kitimat detachment	NORTH	1
Ladysmith detachment	ISLAND	2
Lake Country detachment	SOUTHEAST	3
Langley detachment	LMD	4
Limis/Nass Valley detachment	NORTH	1
Lytton detachment	SOUTHEAST	2
Masset detachment	NORTH	2
Merritt detachment	SOUTHEAST	3
Midway detachment	SOUTHEAST	1
Mission detachment	LMD	1
Nanaimo detachment	ISLAND	6
Nelson detachment	SOUTHEAST	1
North Cowichan/Duncan detachment	ISLAND	6
North Okanagan/Vernon detachment	SOUTHEAST	10
North Vancouver detachment	LMD	7
Oceanside detachment	ISLAND	1
Penticton detachment	SOUTHEAST	3
Port Alberni detachment	ISLAND	2
Port Mann Freeway Patrol	LMD	1
Powell River detachment	ISLAND	1
Prince George Detachment	NORTH	7
Prince Rupert detachment	NORTH	6
Princeton detachment	SOUTHEAST	1
Richmond detachment	LMD	4
Ridge Meadows detachment	LMD	5
Salmon Arm detachment	SOUTHEAST	1
Shawnigan Lake detachment	ISLAND	1
Sicamous detachment	SOUTHEAST	1
Sidney/North Saanich detachment	ISLAND	1
Smithers detachment	NORTH	1
Sooke detachment	ISLAND	1
Squamish detachment	LMD	3
Surrey detachment	LMD	15
Terrace detachment	NORTH	2
Tofino detachment	ISLAND	3
Tsay Keh Dene detachment	NORTH	1
Vanderhoof detachment	NORTH	2
West Kelowna detachment	SOUTHEAST	1
West Shore detachment	ISLAND	1
Whistler detachment	LMD	1
Williams Lake detachment	NORTH	3
	TOTAL	169
	IUIAL	109

Municipal	District	Freq
Abbotsford Police Department	LMD	9
Central Saanich Police Service	ISLAND	1
Delta Police Department	LMD	4
New Westminster Police Department	LMD	2
Oak Bay Police Department	ISLAND	2
Saanich Police Department	ISLAND	1
Vancouver Police Department	LMD	32
Victoria Police Department	ISLAND	8
West Vancouver Police Department	LMD	2
	TOTAL	61

Other	District	Freq
Metro Vancouver Transit Police	LMD	2
Special Provincial Constable (Health Authority)	LMD	1
	TOTAL	3

LMD: Lower Mainland

The involved agency is determined based on the home agency of the officer under IIO investigation. The number of police agencies exceeds the number of investigations as there may be more than one agency's officers involved in a given incident.



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DISTRIBUTION OF INVESTIGATIONS BY INCIDENT LOCATION

TOTAL NOTIFICATIONS BY YEAR



AVERAGE DAYS TO CONCLUDE AN INVESTIGATION BY REGION IN FISCAL YEAR 2020-2021



As at March 31, 2021. This information will continue to change until all files from this fiscal year are closed.



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