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| Title Concluding Investigations by Addendum | Number 5170 |
| Section Investigations | Original Effective Date March 28, 2022 |
| Responsibility Chief Civilian Director | Last Revised Effective Date February 3, 2026 |

POLICY

General

1. The purpose of this policy is to provide guidance on concluding investigations by addendum and applies to all notifications received by the Independent Investigations Office of British Columbia.
2. Pursuant to sections 38.09 and 38.10 of the B.C. *Police Act* and the *Memorandum of Understanding Respecting Investigations* (MOU), officers must immediately notify the Independent Investigations Office (IIO) where it appears that:
 - a) a person *may* have died or suffered serious harm as a result of the actions of an officer or detention guard, whether on or off-duty; or
 - b) an officer, or detention guard, whether on or off-duty, may have contravened a prescribed provision of the *Criminal Code* or a prescribed provision of another federal or provincial enactment.
3. Section 2.1 of the MOU stipulates that the chief of each police agency will designate a position that shall immediately notify the IIO upon identification of any on-duty or off-duty incident that *may* fall within the jurisdiction of the IIO.
4. Section 2.1 of the Chief Civilian Director’s (CCD) *Guidelines and Expectations with Respect to the Conduct of IIO investigations (“Guidelines”)* states that a police agency must immediately notify the IIO whenever its on-duty officers attend at or become aware of:
 - a) an incident where there is a reasonable belief that the presence, action, inaction, or decision of an officer...*may* have been a contributory factor in:
 - i. the death of any person (including any in-custody death);
 - ii. a life-threatening injury to any person;
 - iii. an injury to any person that *may* cause disfigurement (permanent change in appearance) if there were no medical intervention; or
 - iv. an injury to any person that *may* cause permanent and substantial loss of impairment of mobility of the body as a whole or of a function of any limb or organ, if there were no medical intervention; or
 - b) any incident involving the discharge of a firearm by an on-duty officer where there is a reasonable belief that any person (including any officer) *may* have been injured.

The “may” within the statute, *MOU* and *Guidelines* establishes a low threshold for police to report so that all possible incidents are reported to the IIO. As a result, police agencies often report matters where in fact serious harm or death did not occur, or if it did, it was not the result of police action.

The IIO has jurisdiction to investigate any matter upon notification that there *may* be serious harm, or death, which *may* have arisen from the actions or inactions of officers or detention guards. The IIO’s jurisdiction is not dependent upon each of those conditions having been substantiated. Jurisdiction for the IIO to investigate commences upon police notification.

5. When such an investigation obtains evidence confirming that one of the two statutory conditions does not exist, the CCD may exercise their discretion to conclude an investigation. This will most often occur after a recommendation made by the Team Director (TD) and Chief of Investigations (COI), Operations, which is generally recorded in an addendum to the original Jurisdiction Decision Form and categorized as a “Non-Jurisdictional File.” Sometimes this conclusion will be made public if there is a public interest in doing so. This will most often occur through a media release, not a public report.

6. If there is no objective evidence that leads to an early conclusion of a file based on jurisdiction, the matter will generally be resolved through the normal file review process.
7. Objective evidence includes video, medical, scientific, or reliable witness evidence that speaks directly to the existence of serious harm or death or whether police action played any role in the injury.

Non-Reportable Files

8. In situations of a report from any party about a possible case where it is immediately apparent that the actions or inactions of officers, or detention guards, did not play a role in the death or serious harm of the Affected Person, or where there is no evidence of serious injury sustained by the Affected Person, the notification is recorded as a “Non-Reportable File”. Although a file number will be assigned for administrative purposes, no investigative actions are taken.
9. The following factors are considered in making this assessment:
 - a) Is there information about serious harm or death?
 - b) Is there information that an officer, or a detention guard, caused the harm or death by action or inaction?
 - c) Was there any direct or indirect contact between an officer (or detention guards) and the Affected Person at a time relevant to the injury/death?
 - d) May an officer’s (or detention guard’s) actions or inactions have contributed to behaviour on the part of the Affected Person that resulted in their harm or death?
10. For referrals where the Affected Person has died by suicide and there is:
 - a) no evidence that it occurred while the Affected Person was detained or in custody of the police or detention guards;
 - b) no evidence that it occurred in the officer’s presence or while the officer or detention guard was in contact with the Affected Person;
 - c) no information that the death occurred within 24 hours of police contact; and
 - d) no allegation of wrongdoing received from a member of the public related to police or detention guard action/inaction;

it may be appropriate to not commence an IIO investigation and record the matter as Non-Reportable.

DEFINITIONS

| WORD/TERM | DEFINITION |
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| Jurisdictional File | An investigative file where notification is assessed and determined to meet the IIO’s mandate with jurisdiction asserted and an investigation commenced. Jurisdictional Files also include special investigations, i.e., section 44 Police Act investigations ordered by the Director, Police Services. |
| Jurisdiction Form | A form that contains information from a notification and used to document whether a matter will be investigated further or concluded as a non-reportable file. |
| Non-Jurisdictional File | An investigative file where notification is assessed as requiring preliminary investigation to determine whether there is both a connection to |

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| | <p>police/detention guard action/ inaction and serious harm or death. After opening an investigative file, these cases are eventually determined to be outside of the IIO's jurisdiction based on the lack of serious harm and/or connection to police/detention guard action/inaction.</p> |
| <p>Non-Reportable File</p> | <p>A notification assessed as falling outside of the IIO's mandate and not requiring any investigation. Whenever possible the IIO will refer inquiries to other suitable organizations such as the Office of the Police Complaint Commissioner (OPCC); the Civilian Review and Complaints Commission; the RCMP; the BC Coroners Service (BCCS) etc.</p> |

POLICY

Approved by:



Jessica Berglund, Chief Civilian Director

Date Approved:

February 3, 2026
