

Pages 1 through 7 redacted for the following reasons:

s.22

Rosenthal, Richard IIO:EX

From: Rosenthal, Richard IIO:EX
Sent: October-29-14 6:10 AM
To: 'tonybelcher@shaw.ca'
Subject: Re: IIO Investigator Notebooks

Good morning Tony: the issue regarding IIO possession of notebooks is now fully resolved. s.22 notebooks were returned via Canada Post yesterday and all outgoing staff are now being reminded of their obligations to leave notebooks at the IIO at the time of departure.

From: Rosenthal, Richard IIO:EX
Sent: Sunday, October 26, 2014 07:11 AM
To: 'tonybelcher@shaw.ca' <tonybelcher@shaw.ca>
Cc: Sadlemyer, Clinton IIO:EX
Subject: Fw: IIO Investigator Notebooks

Tony: It appears the issue regarding investigator notebooks has been resolved. Our Legal Counsel, Clint Sadlemyer, has verified that the only missing notebooks were those taken by s.22 The missing notebooks should be back in the possession of the IIO by next week. Upon receipt, I will have Clint contact our FOIPA coordinator to determine our obligations vis-a-vis the FOIPA requests previously sent by s.22

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Page 10 redacted for the following reason:

s.14

From: Rosenthal, Richard IIO:EX
Sent: October-24-14 9:23 AM
To: 'MrJette@telus.net'
Cc: Sadlemyer, Clinton IIO:EX
Subject: FW: s.22 Notebooks

Good morning Mark: it appears that we should be receiving s.22 notebooks sometime next week. It is my understanding you are looking for any entries relating to the s.22 file for the period from September 10 through November 30. We will copy and forward those entries to you upon receipt. Please let me know if this delay will have any impact on the timing for completing your report.

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Rosenthal, Richard IIO:EX

From: Tony Belcher <tonybelcher@shaw.ca>
Sent: September-11-14 8:06 PM
To: Rosenthal, Richard IIO:EX
Subject: Re: Notebooks of Former IIO Investigators

Thanks Richard

From: [Rosenthal, Richard IIO:EX](#)
Sent: Thursday, September 11, 2014 1:04 PM
To: [Tony Belcher](#)
Subject: FW: Notebooks of Former IIO Investigators

Fyi.

S.14

Pages 14 through 15 redacted for the following reasons:

s.14

Rosenthal, Richard IIO:EX

From: Tony Belcher <tonybelcher@shaw.ca>
Sent: September-11-14 8:06 PM
To: Rosenthal, Richard IIO:EX
Subject: Re: Complaint Investigation

Thanks Richard

-----Original Message-----

From: Rosenthal, Richard IIO:EX
Sent: Thursday, September 11, 2014 1:04 PM
To: Tony Belcher
Subject: RE: Complaint Investigation

Good afternoon Tony:

I can affirm that I was not aware that § 87(2)(b) took any notebooks with him until I was advised of such by our Legal Counsel, Henry Waldock on May 21, 2014 when he emailed § 87(2)(b) and copied me) asking for the return of his notebooks (in response to a FOIPA request). I noted that Henry sent the email to § 87(2)(b) old IIO email address. I contacted Henry and advised him that he needed to send the communication to § 87(2)(b) via his personal email address. It was my understanding that any issues in that respect had been resolved; however, after receiving your email yesterday, I contacted Henry and found out that § 87(2)(b) had never contacted him and he did not have a chance to follow up on this issue before he left.

Also yesterday, I received an email from our current Legal Counsel, Clint Sadlemyer, who advised me that the IIO was not in possession of notebooks of some former staff relating to th § 87(2)(b) investigation which had been requested by Mr. Mark Jette, who has been appointed as a civilian monitor to review that investigation.

I have requested that Clint follow-up with all former investigators to determine if there are any other notebooks that were not surrendered to the IIO at separation. I will forward you that email shortly.

-----Original Message-----

From: Tony Belcher [<mailto:tonybelcher@shaw.ca>]
Sent: September-10-14 4:42 PM
To: Rosenthal, Richard IIO:EX
Subject: Re: Complaint Investigation
Importance: High

Hello Richard

There has been an additional allegation made that s.22 took his notebooks with him when he left the IIO.

Do you know if this is so? If so can you confirm whether the notebooks contained any confidential IIO information?

The argument is that if this is so and you knew it how is that different from s.22 having confidential IIO information in their notebooks and theirs were seized but s.22 wasn't?

If you are not aware that s.22 took his notebooks then it seems to me that this would be something for Carl prophet to pursue and not part of my scope of investigation.

Regards, Tony Belcher

Rosenthal, Richard IIO:EX

From: Rosenthal, Richard IIO:EX
Sent: September-11-14 1:05 PM
To: Tony Belcher
Subject: FW: Notebooks of Former IIO Investigators
Attachments: 201409111207.pdf

Fyi.

s.14, s.22

Pages 19 through 20 redacted for the following reasons:

s.14

Rosenthal, Richard IIO:EX

From: Rosenthal, Richard IIO:EX
Sent: September-11-14 1:04 PM
To: 'Tony Belcher'
Subject: RE: Complaint Investigation

Good afternoon Tony:

I can affirm that I was not aware that § 87(2)(b) took any notebooks with him until I was advised of such by our Legal Counsel, Henry Waldock on May 21, 2014 when he emailed § 87(2)(b) (and copied me) asking for the return of his notebooks (in response to a FOIPA request). I noted that Henry sent the email to § 87(2)(b) Id IIO email address. I contacted Henry and advised him that he needed to send the communication to § 87(2)(b) via his personal email address. It was my understanding that any issues in that respect had been resolved; however, after receiving your email yesterday, I contacted Henry and found out that § 87(2)(b) had never contacted him and he did not have a chance to follow up on this issue before he left.

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I have requested that Clint follow-up with all former investigators to determine if there are any other notebooks that were not surrendered to the IIO at separation. I will forward you that email shortly.

-----Original Message-----

From: Tony Belcher [<mailto:tonybelcher@shaw.ca>]
Sent: September-10-14 4:42 PM
To: Rosenthal, Richard IIO:EX
Subject: Re: Complaint Investigation
Importance: High

Hello Richard

There has been an additional allegation made that § 87(2)(b) took his notebooks with him when he left the IIO.

Do you know if this is so? If so can you confirm whether the notebooks contained any confidential IIO information?

The argument is that if this is so and you knew it how is that different from § 87(2)(b) having confidential IIO information in their notebooks and theirs were seized but § 87(2)(b) wasn't?

If you are not aware that § 87(2)(b) took his notebooks then it seems to me that this would be something for Carl prophet to pursue and not part of my scope of investigation.

Regards, Tony Belcher

Rosenthal, Richard IIO:EX

From: Tony Belcher <tonybelcher@shaw.ca>
Sent: September-03-14 8:16 AM
To: Rosenthal, Richard IIO:EX
Subject: Re: Complaint Investigation

Thanks Richard. I will give this some thought and let you know.
Regards, Tony Belcher

-----Original Message-----

From: Rosenthal, Richard IIO:EX
Sent: Wednesday, September 3, 2014 7:35 AM
To: 'tonybelcher@shaw.ca'
Subject: Complaint Investigation

Good morning Anthony:

I am not sure to what extent you believe it is necessary to conduct additional investigation into the ^s_N allegations of anti-police bias. In the event you believe more information would assist, I have a few suggestions:

1. Re: the suggestion of anti-police bias in approach and decision-making:

Clayton Pecknold, the Director of Police Services (and the former Deputy Chief of the Saanich PD) has worked with me since I first started and is well aware of my philosophies and actions regarding decisions involving the police; Stan Lowe, the Police Complaints Commissioner (and former Crown Counsel), who has been the subject of similar allegations, is quite familiar with my work as well and may have insight into the difficulties of holding police accountable while maintaining a fair and objective viewpoint in the controversial profession of civilian oversight of the police; finally, a review of my decisions online (www.iiobc.ca [cases]) will verify objective and fair decisions exonerating officers of criminal liability in 2/3 of our files.

2. Regarding alleged bias in supervision and promotion of former police

personnel: ^s_N the Director of the Police Academy and Lisa Anderson, the Deputy Director of Police Services assisted me in the paneling for our first Team Director promotion. They would both have insight into how I approached the promotion process vis-a-vis former police staff. (If you have an interest in speaking to them, I would need to contact them first to let them know it is okay to disclose otherwise confidential information pertaining to the competition). Please let me know if you need any contact information or other assistance.

Rosenthal, Richard IIO:EX

From: Spiteri, Julie R JAG:EX
Sent: September-02-14 1:10 PM
To: Rosenthal, Richard IIO:EX; Brown, Richard J JAG:EX
Subject: RE: Tony Beltcher

Hi Richard R ☺ Yes no problem. Tony was here today chatting with Rich. Cheers!

From: Rosenthal, Richard IIO:EX
Sent: Thursday, August 28, 2014 2:59 PM
To: Brown, Richard J JAG:EX
Cc: Spiteri, Julie R JAG:EX
Subject: Tony Beltcher

Good afternoon Julie and Richard:

As you are both aware, Tony Beltcher has been appointed by the DAG to conduct a review of a complaint made by two former investigators about my conduct, that of IIO Legal Counsel and that of our former Director of Investigations. After conversing with Mr. Beltcher, I am thinking that it would be helpful for him to have some context regarding the IIO's organizational, structural, cultural and personnel challenges. To that extent, I have provided Mr. Beltcher with Rich's contact information in the hope that Rich would be willing and able to speak to Mr. Beltcher and answer any questions he may have in that regard.

I hope that this referral meets with your approval. Please let me know if you have any concerns in that regard.

Richard Rosenthal | Chief Civilian Director
Independent Investigations Office

12th Floor, 13450 102 Avenue, Surrey BC V3T 5X3
Direct: (604) 586-5656 | Mobile: (604) 363 5270 | Fax: (604) 586-5662

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Please consider the environment before printing this e-mail.

Rosenthal, Richard IIO:EX

From: Brown, Richard J JAG:EX
Sent: August-29-14 7:48 AM
To: Rosenthal, Richard IIO:EX
Subject: Re: Tony Beltcher

Morning. That should be fine. I don't anticipate any problems there at all.

Sent from my iPhone

On Aug 28, 2014, at 3:00 PM, "Rosenthal, Richard IIO:EX" <Richard.Rosenthal@iiohc.ca> wrote:

Good afternoon Julie and Richard:

As you are both aware, Tony Beltcher has been appointed by the DAG to conduct a review of a complaint made by two former investigators about my conduct, that of IIO Legal Counsel and that of our former Director of Investigations. After conversing with Mr. Beltcher, I am thinking that it would be helpful for him to have some context regarding the IIO's organizational, structural, cultural and personnel challenges. To that extent, I have provided Mr. Beltcher with Rich's contact information in the hope that Rich would be willing and able to speak to Mr. Beltcher and answer any questions he may have in that regard.

I hope that this referral meets with your approval. Please let me know if you have any concerns in that regard.

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Rosenthal, Richard IIO:EX

From: Tony Belcher <tonybelcher@shaw.ca>
Sent: August-28-14 3:36 PM
To: Rosenthal, Richard IIO:EX
Subject: Re: Potential Interviewees

Thank you.

From: [Rosenthal, Richard IIO:EX](#)
Sent: Thursday, August 28, 2014 3:05 PM
To: [Tony Belcher](#)
Subject: Potential Interviewees

Dear Tony: as discussed earlier, here is the contact information for persons who may be able to provide some context that would assist you in your review of the complaints of

- - ^{s.22} Former Executive Director of Investigations. He is open to you contacting him on his cell phone.
- Richard Brown: office: 250-217-0372; Richard.Brown@gov.bc.ca
 - ^{s.22} Organizational Development consultant from the Corporate Services Branch. Evaluated the IIO SWOT Survey, facilitated our Mission, Vision, Value Workgroup and our Strategic Planning Committee over the last 12 months. Is familiar with the IIO's organizational, structural, cultural and personnel challenges. Can provide context regarding the challenges faced in managing the IIO during its formative period.
- John Larkin: office: 604-586-5683; cell: 604-306-1355; John.Larkin@iiobc.ca
 - John started as the Chief of Investigations (new position replacing the former Executive Director of Investigations) on July 2, 2014. Although he was not present at the IIO during the period of the complaint, he has had the opportunity to obtain an objective vision of IIO organizational, structural, cultural and personnel challenges and can provide an objective view towards strengths and weaknesses of personnel, as well as biases and interests.

As I mentioned, I would welcome the opportunity to answer any additional concerns you may have as a result of your follow-up interviews and remain at your disposal to assist in that regard.

Richard Rosenthal | Chief Civilian Director
Independent Investigations Office

12th Floor, 13450 102 Avenue, Surrey BC V3T 5X3
Direct: (604) 586-5656 | Mobile: (604) 363 5270 | Fax: (604) 586-5662

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Rosenthal, Richard IIO:EX

From: Rosenthal, Richard IIO:EX
Sent: August-28-14 3:05 PM
To: Tony Belcher
Subject: Potential Interviewees

Dear Tony: as discussed earlier, here is the contact information for persons who may be able to provide some context that would assist you in your review of the complaints of

- - s.22 Former Executive Director of Investigations. He is open to you contacting him on his cell phone.
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As I mentioned, I would welcome the opportunity to answer any additional concerns you may have as a result of your follow-up interviews and remain at your disposal to assist in that regard.

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Rosenthal, Richard IIO:EX

From: Rosenthal, Richard IIO:EX
Sent: August-28-14 9:49 AM
To: 'Tony Belcher'
Subject: Query re: status of review

Hi Tony: I don't seem to have a phone number for you. I do have a question. Please feel free to call me on my cell. I should be available today any time before 10:00 a.m. or after 2:00 p.m., or anytime tomorrow. (604) 363-5270. Thanks.

Richard Rosenthal | Chief Civilian Director
Independent Investigations Office

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Rosenthal, Richard IIO:EX

From: Tony Belcher <tonybelcher@shaw.ca>
Sent: August-15-14 7:43 PM
To: Rosenthal, Richard IIO:EX
Subject: Re: Power Point Presentation for IIO staff

thank you

From: [Rosenthal, Richard IIO:EX](#)
Sent: Thursday, August 14, 2014 7:08 PM
To: tonybelcher@shaw.ca
Subject: Power Point Presentation for IIO staff

Tony: here is the presentation I made to IIO staff on September 4, 2012.
Note ethics and expectations is covered in slides 14 through 16, slide 18, slides 20-21, slide 25, slide 35, and slide 52.
Reference to the Ontario Ombudsman's audit of the Special Investigation Unit – identifying criticism of that unit, can be found on slides 39-50.
Criticisms directed at police by the Davies and Braidwood Commissions can be found at slides 58-60 and 65-67.

This was a 4-hour presentation.

Richard Rosenthal | Chief Civilian Director
Independent Investigations Office

12th Floor, 13450 102 Avenue, Surrey BC V3T 5X3
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Rosenthal, Richard IIO:EX

From: Tony Belcher <tonybelcher@shaw.ca>
Sent: August-15-14 7:42 PM
To: Rosenthal, Richard IIO:EX
Subject: Re: Mission-Vision-Values Jan 2014

thank you

From: [Rosenthal, Richard IIO:EX](#)
Sent: Thursday, August 14, 2014 7:17 PM
To: tonybelcher@shaw.ca
Subject: Mission-Vision-Values Jan 2014

Per your request.

Rosenthal, Richard IIO:EX

From: Tony Belcher <tonybelcher@shaw.ca>
Sent: August-15-14 7:42 PM
To: Rosenthal, Richard IIO:EX
Subject: Re: Privacy Breach Memo

Thank you

From: [Rosenthal, Richard IIO:EX](#)
Sent: Thursday, August 14, 2014 7:44 PM
To: tonybelcher@shaw.ca
Subject: Privacy Breach Memo

Good evening Tony: given the ^{s.22} findings might be helpful to your inquiry. Please let me know if you need anything else.

I thought that providing you with Henry's initial

Richard Rosenthal | Chief Civilian Director
Independent Investigations Office

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Rosenthal, Richard IIO:EX

From: Tony Belcher <tonybelcher@shaw.ca>
Sent: August-15-14 7:41 PM
To: Rosenthal, Richard IIO:EX
Subject: Re: JIBC Final Report

Yes I will

From: [Rosenthal, Richard IIO:EX](#)
Sent: Thursday, August 14, 2014 7:15 PM
To: tonybelcher@shaw.ca
Subject: FW: JIBC Final Report

Hi Tony: this has been for internal use only; so please maintain confidentiality.

Rosenthal, Richard IIO:EX

From: Rosenthal, Richard IIO:EX
Sent: August-14-14 7:45 PM
To: tonybelcher@shaw.ca
Subject: Privacy Breach Memo
Attachments: Privacy Breach Memo - Waldock.pdf

Good evening Tony: given the findings might be helpful to your inquiry. Please let me know if you need anything else. , I thought that providing you with Henry's initial

Richard Rosenthal | Chief Civilian Director
Independent Investigations Office

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Rosenthal, Richard IIO:EX

From: Rosenthal, Richard IIO:EX
Sent: August-14-14 7:18 PM
To: tonybelcher@shaw.ca
Subject: Mission-Vision-Values Jan 2014
Attachments: Mission-Vision-Values Jan 2014.docx

Per your request.

Rosenthal, Richard IIO:EX

From: Rosenthal, Richard IIO:EX
Sent: August-14-14 7:16 PM
To: tonybelcher@shaw.ca
Subject: FW: JIBC Final Report
Attachments: IIO Final Draft Report (May, 2014).pdf

Hi Tony: this has been for internal use only; so please maintain confidentiality.

Rosenthal, Richard IIO:EX

From: Rosenthal, Richard IIO:EX
Sent: August-14-14 7:09 PM
To: 'tonybelcher@shaw.ca'
Subject: Power Point Presentation for IIO staff
Attachments: IIO CCD Staff presentation 9-4-12.pptx

Tony: here is the presentation I made to IIO staff on September 4, 2012.

Note ethics and expectations is covered in slides 14 through 16, slide 18, slides 20-21, slide 25, slide 35, and slide 52.

Reference to the Ontario Ombudsman's audit of the Special Investigation Unit – identifying criticism of that unit, can be found on slides 39-50.

Criticisms directed at police by the Davies and Braidwood Commissions can be found at slides 58-60 and 65-67.

This was a 4-hour presentation.

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Rosenthal, Richard IIO:EX

From: Tony Belcher <tonybelcher@shaw.ca>
Sent: August-12-14 12:42 AM
To: Rosenthal, Richard IIO:EX
Cc: Deitch, James JAG:EX
Subject: Re: Investigation of complaints of

s.22

OK. See you then.

-----Original Message-----

From: Rosenthal, Richard IIO:EX
Sent: Monday, August 11, 2014 8:49 PM
To: 'tonybelcher@shaw.ca'
Cc: Deitch, James JAG:EX
Subject: Re: Investigation of complaints of

s.22

Thursday at 11:00 would be fine. Our offices are just off the Central Surrey Skytrain station: 12th floor of the office tower.

----- Original Message -----

From: Tony Belcher [<mailto:tonybelcher@shaw.ca>]
Sent: Monday, August 11, 2014 07:42 PM
To: Rosenthal, Richard IIO:EX
Cc: Deitch, James JAG:EX
Subject: Re: Investigation of complaints of

s.22

Hello Mr. Rosenthal;

Are you available to meet with me this week? Thursday would be the best day for me but either Wednesday or Friday would work also.

Mr. Deitch advised that you would prefer to meet in your office and that's fine with me.

My plan would be to take the 7 am ferry out of Victoria and then bus and Sky Train to your office in Surrey.

My guess is I would arrive at Surrey Central Station at approximately 10.30 so we could then meet around 11 am onward.

Please advise if that works for you.

Regards,

Tony Belcher

Rosenthal, Richard IIO:EX

From: Deitch, James JAG:EX
Sent: August-08-14 2:06 PM
To: Rosenthal, Richard IIO:EX
Subject: RE: Investigation of complaints of

s22

Richard:

Nice addition at the end to invite people to come and chat if they wish to. I think this message will really put you ahead of the issues with the staff.

Hope you have a great weekend!

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

www.criminaljusticereform.gov.bc.ca
<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109
Fax: 250.356.6552
Cell: 250.580.5612

Please consider the environment before printing this e-mail

From: Rosenthal, Richard IIO:EX
Sent: Friday, August 8, 2014 2:01 PM
To: IIO All Staff
Subject: FW: Investigation of complaints of

s22

Dear IIO Staff

Just as there is a process for the investigation of complaints made about the conduct of IIO staff, there is also a process for complaints made against me, as the Chief Civilian Director. I wanted to advise you all that there have been complaints made to the Deputy Attorney General by two former staff members of the IIO. As a result, an external review is being conducted of those complaints by Tony Belcher, a labour relations consultant, appointed by the Deputy Attorney General.

Mr. Belcher will meet with the complainants and myself and may wish to meet with one or more of you to review the complaints. I trust that you will cooperate with Mr. Belcher should he contact you. His report, when completed, will then be submitted to the Deputy Attorney General.

Please feel free to stop by and talk to me to discuss if you have any issues or concerns.

Thanks and have a great weekend.

Richard

Rosenthal, Richard IIO:EX

From: Deitch, James JAG:EX
Sent: August-08-14 1:18 PM
To: Spiteri, Julie R JAG:EX; Rosenthal, Richard IIO:EX; Waldock, Henry IIO:EX
Subject: RE: Investigation of complaints of

s.22

I have now spoken with Tony Belcher and he feels he cannot confirm who at the IIO other than Richard Rosenthal he will need to meet with until after he interviews Richard. Presumably that will not take place until sometime next week.

s.22

s.22

s.13

Feel free to call me if you wish to discuss.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

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Phone: 250.387.2109

Fax: 250.356.6552
Cell: 250.580.5612

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From: Spiteri, Julie R JAG:EX
Sent: Friday, August 8, 2014 9:06 AM
To: Deitch, James JAG:EX; Rosenthal, Richard IIO:EX; Waldock, Henry IIO:EX
Cc: 'tonybelcher@shaw.ca'
Subject: RE: Investigation of complaints of

s.22

s.13

From: Deitch, James JAG:EX
Sent: Thursday, August 7, 2014 6:46 PM
To: Rosenthal, Richard IIO:EX; Spiteri, Julie R JAG:EX; Waldock, Henry IIO:EX
Cc: 'tonybelcher@shaw.ca'
Subject: RE: Investigation of complaints o

s.22

Richard:

Happy to speak with you tomorrow. Let me know what time is good for you. I am free after 4 and have blocks of time earlier in the day as well.

Tony has not contacted me about meeting with any current staff so I do not think there is any urgency around a message to your staff at this point.

Thanks.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
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www.criminaljusticereform.gov.bc.ca

<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109

Fax: 250.356.6552

Cell: 250.580.5612

Please consider the environment before printing this e-mail

From: Rosenthal, Richard IIO:EX

Sent: Thursday, August 7, 2014 6:31 PM

To: Deitch, James JAG:EX; Spiteri, Julie R JAG:EX; Waldock, Henry IIO:EX

Cc: 'tonybelcher@shaw.ca'

Subject: Re: Investigation of complaints of

s.22

s.13

s.22

Jaime: can you call me at your convenience to discuss?

From: Deitch, James JAG:EX

Sent: Thursday, August 07, 2014 05:22 PM

To: Spiteri, Julie R JAG:EX; Rosenthal, Richard IIO:EX; Waldock, Henry IIO:EX

Cc: 'Tony Belcher' <tonybelcher@shaw.ca>

Subject: RE: Investigation of complaints of

s.22

All:

s.22

s.13

s.22

Feel free to call me if you have any questions.

Thanks.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

www.criminaljusticereform.gov.bc.ca
<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109
Fax: 250.356.6552
Cell: 250.580.5612

Please consider the environment before printing this e-mail

From: Spiteri, Julie R JAG:EX
Sent: Thursday, August 7, 2014 12:04 PM
To: Rosenthal, Richard IIO:EX; Waldock, Henry IIO:EX; Deitch, James JAG:EX
Subject: RE: Investigation of complaints of

s.22

s.13

s.14

s.14

s.22

s.22

s.22

s.14

s.22

Pages 47 through 50 redacted for the following reasons:

s.14

Rosenthal, Richard IIO:EX

From: Kaiway, Barbara D IIO:EX
Sent: August-05-14 12:20 PM
To: Rosenthal, Richard IIO:EX
Subject: RE: amount re contract

Thanks.

From: Rosenthal, Richard IIO:EX
Sent: Tuesday, August 05, 2014 12:18 PM
To: Kaiway, Barbara D IIO:EX
Subject: RE: amount re contract

It is a contract of services.

From: Kaiway, Barbara D IIO:EX
Sent: August-05-14 12:18 PM
To: Rosenthal, Richard IIO:EX
Subject: RE: amount re contract

Is this a contract for services (professional services) or a chargeback for salaries and benefits? There is a to make a commitment out of the budget.

\$22

It's just to know where

Thanks, Richard..

From: Rosenthal, Richard IIO:EX
Sent: Tuesday, August 05, 2014 11:52 AM
To: Kaiway, Barbara D IIO:EX
Subject: FW: amount re contract

Barbara: we will need a \$10,000 budget line item for a personnel investigation into the complaints made by former investigators The Justice Services Branch will be responsible for retaining Mr. Tony Belcher. Per the DAG, the costs related to the contract will be billed back to the IIO. The hope is for the investigation to be completed by the end of August.

\$22

From: Spiteri, Julie R JAG:EX
Sent: August-05-14 8:07 AM

To: Rosenthal, Richard IIO:EX

Subject: amount re contract

Hi Richard, talked with Tony and the contract is for up to 10K. It will really depend on the # of interviews but Tony is hoping to use less than max amount. Cheers!

Rosenthal, Richard IIO:EX

From: Rosenthal, Richard IIO:EX
Sent: August-05-14 11:52 AM
To: Spiteri, Julie R JAG:EX
Subject: RE: amount re contract

Thanks Julie: Barbara will make this a budgetary line item for the IIO.

From: Spiteri, Julie R JAG:EX
Sent: August-05-14 8:07 AM
To: Rosenthal, Richard IIO:EX
Subject: amount re contract

Hi Richard, talked with Tony and the contract is for up to 10K. It will really depend on the # of interviews but Tony is hoping to use less than max amount. Cheers!

Rosenthal, Richard IIO:EX

From: Rosenthal, Richard IIO:EX
Sent: August-01-14 4:02 PM
To: Spiteri, Julie R JAG:EX
Subject: FW: Response to Complaint of s.22
Attachments: Response to Complaint of Former IIO Investigator s.22

As requested.

s.22

s.22

s.14

Rosenthal, Richard IIO:EX

From: Labh, Janet JAG:EX
Sent: June-13-14 5:16 PM
To: Rosenthal, Richard IIO:EX
Subject: Complaint from ^{\$22}
Attachments: DAG letter to IIO CCD.pdf; attachment - 409709.pdf

Importance: High

Forwarding on behalf of Richard Fyfe, Deputy Attorney General:

Good afternoon;

Please find attached a letter and attachment regarding the above noted complaint.

Thank you.

Janet Labh | Senior Executive Assistant
Deputy Attorney General's Office | Ministry of Justice
PO Box 9290 Stn Prov Gov't | Victoria, BC V8W 9J7

📞 250 387-5211

🌱 Please consider the environment before printing this e-mail or its attachments

Introduction

This document provides a summary of themes collected by the Independent Investigations Office (IIO) SWOT data collection initiative initiated in August 2013. This initiative was conducted as the initial step in developing an overall strategic plan for the IIO that would include the creation of vision, mission and goals statements, a succession management plan and an employee engagement plan.

The SWOT tool collects data specific to the following elements:

1. **Strengths:** The characteristics of the IIO that give it a significant advantage;
2. **Weaknesses:** The characteristics of the IIO that give it a significant disadvantage;
3. **Opportunities:** The factors occurring outside the IIO that the office could use to its advantage; and
4. **Threats:** The factors occurring outside the IIO that could potentially cause trouble or difficulties for the office.

When combined, these four discrete elements can be combined to provide a comprehensive picture of the IIO that can be used as a basis for strategic planning.

Methodology

The IIO SWOT was a population-based online survey. All employees in the IIO had equal opportunity to respond to the survey and therefore no form of sampling was used or implemented. Data collected by the online survey tool was captured in a standard ASC encoded database and is imported to Microsoft Excel for analysis.

Once collected, all data was themed against each of the four variables being examined (*strengths, weaknesses, opportunities and threats*). Each theme identified is a 'cluster' of similar data points from different sources, however, in order to be included in the SWOT summary, each theme must be identified independently by a minimum of two separate respondents. This multi-source triangulation is necessary to increase the validity of the analysis, but inevitably leads to some data loss, since issues not identified by multiple independent sources are discarded from further consideration, regardless of how important or poignant the issue may seem to be. Data loss in this research document due to triangulation failure is estimated to be approximately 10%. This level of data loss is considered normal, or even slightly lower than normal, for qualitative data collection exercises of this nature. Each theme stands on its own, and is considered equal in nature to any other theme. While a greater or lesser number of respondents may have identified a single theme, or aspects of a single theme, no attempt has been made to sort or categorize themes based on the number of respondents who may have referenced that theme in their response to the survey. So long as a theme was referenced by two or more respondents, it has been included in the data summary.

There were a total of 30 responses to the survey, collected from a total population of 50 potential respondents. This gives the survey a 60.00% response rate.

It should also be noted that the choice of name for each theme, and its associated description, may seem provocative to the reader. However the names for each theme are deliberately created based on the language used among individual respondent submissions.

Pages 57 through 58 redacted for the following reasons:

s.13, s.22

s.14

Andrade, Ana JAG:EX

From: Spiteri, Julie R JAG:EX
Sent: Wednesday, November 20, 2013 5:28 PM
To: Bowman, Deborah PSA:EX
Subject: Review of JAG Competition Files for IIO

Hi Deborah! Lucy asked that I contact you to request officially their support in doing a detailed analysis of the application of merit for IIO competition files. I'm happy to discuss with you over the phone if you would like more details (250 415 7580). Richard Brown of my office is working with Lucy as there are some issues we need to either confirm or put aside and this review will help us do that. This is the first time we have had to contact the PSA for this kind of support and I apologize if I'm going outside of normal protocol. I'm trying to keep this as discrete as possible. FYI, Tara Faganello is completely aware and involved. Thanks

From: Rutkauskas, Lucy PSA:EX
Sent: Wednesday, November 20, 2013 1:02 PM
To: Brown, Richard J JAG:EX
Cc: Spiteri, Julie R JAG:EX; Macbeth, Toni PSA:EX
Subject: RE: Review of JAG Competition Files for IIO

Hi Richard. Yes, please have Julie contact Deborah Bowman to request the review. It would be useful to have some context for the request so if/when we conduct the review, we are able to address specific concerns.

We are able to get some information through the automated Recruitment System such as the Requisition, job descriptions/profiles, applicants' resumes and notification. However, I suspect that documentation would be required from the IIO. Also, the Hiring Centre provided a Project Lead and Project Recruiter for the competitions and we may have some information from them.

Thanks,
Lucy

Lucy Rutkauskas, Manager, Recruitment Practice and Audit
Talent Management Division | BC Public Service Agency
Suite 100, 940 Blanshard Street | Victoria, BC | V8W 2H2 | 250 356-2631 |
Website: www.gov.bc.ca/myhr | 250.952.6000 | Toll Free 1.877.277.0772

From: Brown, Richard J JAG:EX
Sent: November-20-13 10:19 AM
To: Macbeth, Toni PSA:EX
Cc: Spiteri, Julie R JAG:EX; Rutkauskas, Lucy PSA:EX
Subject: RE: Review of JAG Competition Files for IIO

Hi Toni,

Thank you for the preliminary report. In consultation with our Executive Director, Julie Spiteri, we would like to have a full, complete and thorough investigation conducted of all aspects of the competition process that does explore all detailed information and documentation associated with all of the reference competitions. Furthermore, we would like to add the competition file of s.22 to the list for full follow-up by the PSA.

Let me know if this requires Julie contacting Deb Bowman directly.

IMPORTANT: *Please do not contact the Independent Investigations Office directly.* Let me know if the PSA has all of the needed files in its possession, or if the files and associated documentation is residing in Vancouver. If the files are in Vancouver and do not reside in the custody of the PSA, let me know and I will make arrangements to have those documents picked-up and conveyed to your office. Please let me know the status/custody of the required documents as soon as possible.

Regards,

Rich Brown

Dr. Richard Brown | Senior Workforce Advisor | Organization Development Team
Ministry of Justice, 5th Floor, 910 Government St., Victoria, British Columbia, Canada
Phone: (250) 217-0372 | FAX: (250) 356-6323 | [Website](#)

*The reasonable man adapts himself to the world;
the unreasonable one persists in trying to adapt the world to himself.
Therefore all progress depends on the unreasonable man.*

- George Bernard Shaw

From: Macbeth, Toni PSA:EX
Sent: Tuesday, November 19, 2013 3:55 PM
To: Brown, Richard J JAG:EX
Cc: Rutkauskas, Lucy PSA:EX
Subject: Review of JAG Competition Files for IIO

Good afternoon Richard.

As per your request, a preliminary review of competitions was conducted for individuals you identified as possibly residing outside of British Columbia. Accordingly, out of the list of names you provided, the following highlighted names were reviewed on the basis of being out-of-province applicants.

s.22 s.22

s.22

Attached is a summary of our findings. Please keep in mind, this was a very preliminary review and did not explore detailed information/documentation from the competitions. Please let us know if you have any questions or wish to discuss this further.

Toni Macbeth, Practice and Audit Advisor

Talent Management | BC Public Service Agency | Suite 100 - 940 Blanshard Street
Victoria BC | V8W 2H2 | 250-356-2645

AskMyHR | 250.952.6000 | Toll Free 1.877.277.0772



Where ideas work

Andrade, Ana JAG:EX

From: Spiteri, Julie R JAG:EX
Sent: Monday, November 25, 2013 11:22 AM
To: Brown, Richard J JAG:EX
Subject: RE: IIO Examination

Categories: Green Category

Did you already get back to Tara on this?

From: Spiteri, Julie R JAG:EX
Sent: Sunday, November 24, 2013 2:33 PM
To: Faganello, Tara JAG:EX; Brown, Richard J JAG:EX
Subject: RE: IIO Examination

Rich, can you add another worksheet to request the competition files for the folks that Lucy flagged? Thanks!
Otherwise looks good Tara, there was one small typo which I corrected via tracked changes. Cheers!

From: Faganello, Tara JAG:EX
Sent: Friday, November 22, 2013 2:29 PM
To: Spiteri, Julie R JAG:EX; Brown, Richard J JAG:EX
Subject: FW: IIO Examination

Hi
Can you take a quick review of the this and let me know if there is anything you need added? Appendix A has multiple worksheets, one on personnel files. Are those all you need?

From: Niessen, Elizabeth JAG:EX
Sent: Friday, November 22, 2013 1:58 PM
To: Faganello, Tara JAG:EX
Subject: FW: IIO Examination

Here you go

Elizabeth Niessen
Support Services Coordinator
Corporate Services Branch
Ministry of Justice

(250)356-8731
Fax (250)356-8739

From: Mortimer, David JAG:EX
Sent: Friday, November 22, 2013 9:38 AM
To: Niessen, Elizabeth JAG:EX
Subject: FW: IIO Examination

Hi Liz, would you be able to format in Ana's absence?

Ana:

Attached for formatting is the TOR for Tara's and Richard Rosenthal's sig. blocks and accompanying appendix for documentation request. Thank you for your help.

David

From: Mortimer, David JAG:EX
Sent: Friday, November 22, 2013 9:36 AM
To: Faganello, Tara JAG:EX; Hoadley, David JAG:EX
Cc: Andrade, Ana JAG:EX
Subject: RE: IIO Examination

Hi Tara & David,
I changed the wording to review.

My position was that this was more than a review since review procedures are limited to inquiry, observation and analysis. Examination seemed more appropriate because it may encompass documentation work, without referring to the work as a full audit (which this is not).

...I may have been over thinking it.

Ana:

Attached for formatting is the TOR for Tara's and Richard Rosenthal's sig. blocks and accompanying appendix for documentation request. Thank you for your help.

David

From: Faganello, Tara JAG:EX
Sent: Wednesday, November 20, 2013 2:41 PM
To: Hoadley, David JAG:EX
Cc: Mortimer, David JAG:EX; Andrade, Ana JAG:EX
Subject: RE: IIO Examination

Hi

I am fine with these documents, they look thorough. Please can we call it a review rather than examination and also update the timelines for our visit to the IIO next week, then time for reporting. The TOR should go to Ana so that it can be finalized for my and Richard R's signatures. I would like to send to him in advance and formally notify him we are coming next week.

Is there a list of documentation you would like them to have ready for us? If yes please attach to the TOR.

Thank you
Tara

From: Hoadley, David JAG:EX
Sent: Wednesday, November 13, 2013 5:07 PM
To: Faganello, Tara JAG:EX
Cc: Mortimer, David JAG:EX
Subject: Fw: IIO Examination

Tara, Please see attached Terms of Reference and Examination Plan. David M, Rich and I went over the documents this afternoon. Please review and have the DAG sign the Terms of Reference. Are we still planning to visit the IIO next week and on which days? NR other than that I am flexible. How

about Thursday and Friday of next week for the visit?

Thanks,

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Mortimer, David JAG:EX
Sent: Wednesday, November 13, 2013 4:07 PM
To: Hoadley, David JAG:EX
Cc: Brown, Richard J JAG:EX
Subject: IIO Examination

Hi David

Updated as per this afternoon's meeting.

My understanding is you will forward to Tara when you have had a read and are satisfied.

Thanks again,

David

Faganello, Tara JAG:EX

From: Faganello, Tara JAG:EX
Sent: Monday, November 25, 2013 2:40 PM
To: Rosenthal, Richard IIO:EX
Cc: Kaiway, Barbara D IIO:EX; Andrade, Ana JAG:EX; Hoadley, David JAG:EX; Spiteri, Julie R JAG:EX
Subject: Starting the Review of IIO Items
Attachments: Signed IIO letter - Oct 29-13.pdf

Importance: High

Hi Richard,

Just to officially confirm, our team of staff would like to come to the IIO this Thursday and Friday to conduct the review as indicated in the DAG's letter to you dated October 25, 2013 (attached).

I will be sending you a Terms of Reference shortly that outlines what we will be reviewing. We will arrive around lunch time on Thursday and will conclude end of day Friday. If we have any follow up work after Friday we will do it remotely from Victoria. In attendance will be myself, David Hoadley, Julie Spiteri and David Mortimer.

I trust you will have staff available to meet with us and will be able to provide a workspace for us during this time.

Look forward to meeting with you.

Best regards,
Tara

Tara A. Faganello, CGA and BAEC
Assistant Deputy Minister
Corporate Management Services (CMS) Branch
Ministry of Justice
Phone: 250-387-5929
Fax: 250-356-8739



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OCT 25 2013

Mr. Richard Rosenthal
Chief Civilian Director
Independent Investigations Office
12th Floor – 13450 102nd Avenue
Surrey, British Columbia
V3T 5X3

Attention: Mr. Rosenthal

Allegations facing the Independent Investigations Office

Further to a conversation you had on October 15, 2013, with Ms. Tara Faganello, Executive Financial Officer and Assistant Deputy Minister of the Corporate Management Services Branch, Ministry of Justice, we appreciate your willingness to work with us on fact finding a number of allegations facing the Independent Investigations Office.

Ms. Faganello will be the lead from my office to review these allegations. Specifically, she will be expected to request supporting evidence applicable to the allegations, review the information against applicable government policy and procedures and determine appropriate recommendations. She will be in regular communication with you as this work proceeds.

Ms. Faganello will enlist members of her team to assist with this work. Specifically, Mr. David Hoadley, Chief Financial Officer and Mr. David Mortimer, Financial Planning Analyst, will be responsible for financial related matters. Ms. Julie Spiteri, Executive Director, and Dr. Richard Brown, Senior Workforce Advisor, who are part of our Organizational Design Team, will assist with hiring/staffing practices and organizational culture advice. Mr. Carl Prophet, Executive Director, Corporate Security, will also be available regarding any matters pertaining to the security of human or other capital assets.

As previously discussed with yourself and Mr. Jay Chalke, we will also include the review of your Information Technology (IT) security management practices and IT infrastructure. Ms. Bobbi Sadler, Chief Information Officer will lead this review and Mr. Henry Lee, Director of IT Security, will assist with this work.

.../2

Mr. Richard Rosenthal
Page 2

Once I have received the recommendations from this review work, I will be in touch to ensure your organization takes appropriate action. If you have any questions or concerns, please do not hesitate to contact myself or Ms. Faganello. Again, your proactive agreement to participate in this review is appreciated and noted.

Sincerely,

Original Signed By

Richard J. M. Fyfe, Q.C.
Deputy Attorney General

pc: ~~Ms. Lori Wanamaker, Deputy Solicitor General~~
✓ Ms. Tara Faganello, ADM, Corporate Management Services Branch and EFO
Mr. Dan Peck, Director, Investigation and Forensic Unit, OCG

Faganello, Tara JAG:EX

From: Rosenthal, Richard IIO:EX
Sent: Tuesday, November 26, 2013 5:42 PM
To: Faganello, Tara JAG:EX
Cc: Kaiway, Barbara D IIO:EX; Andrade, Ana JAG:EX
Subject: Fw: Signed Terms of Reference
Attachments: Terms of Reference Nov 26 2013.pdf

Here you go.

----- Original Message -----

From: Richard Rosenthal [\[mailto:r.rosenthal@jag.state.tx.us\]](mailto:r.rosenthal@jag.state.tx.us)
Sent: Tuesday, November 26, 2013 5:40 PM Pacific Standard Time
To: Rosenthal, Richard IIO:EX
Subject: Signed Terms of Reference

**Ministry of Justice
Corporate Management Service Branch
Terms of Reference**

Review of Independent Investigation Office Financial and Staffing Practices

Introduction/Background:

In October 2013 Ministry of Justice, Corporate Management Service Branch (CMSB) conducted an employee survey to assess the strengths, weaknesses, opportunities and threats facing the Independent Investigations Office (IIO). This survey was requested by the IIO.

The survey results showed employee concerns over financial management practices, human resource practices and asset management practices at the IIO. Some respondents to the survey identified instances of spending and hiring practices at the IIO where they believed that government core policy and practices may not have been followed. These concerns have not been proven as fact and that is the intent of this review, to determine the facts.

CMSB is skilled in financial management, human resource and asset management policy and best practices. CMSB is also independent of the IIO. Therefore, CMSB will conduct a review of the concerns raised in the survey. As required by policy, CMSB has notified the Office of the Comptroller General (OCG) of the concerns raised. OCG is satisfied with CMSB conducting this review.

Purpose:

- The Ministry of Justice (JAG), CMSB will perform a risk based review of financial transactions and policies, human resource practices and asset management (mainly related to vehicles and gas cards) in the IIO.
- The review criteria will be whether IIO maintained compliance with BC Government Core Policy and Procedures, BC Government Public Service Agency Policy, the *Financial Administration Act* and the *Police Act* since its Inception in 2012.

Scope and Approach:

The review will include but will not necessarily be limited to the following:

- Conducting and analyzing an IIO staff survey in the form of a Strength, Weaknesses, Opportunities, Threats (SWOT) analysis.
- Review of relevant policies, financial documents and records, human resource documents and records relating to hiring practices, staff remuneration and staff benefits.
- Interviews with relevant IIO staff including those employees charged with governance of the IIO and employees supporting the corporate management services function of the IIO.

Objectives:

We will:

- Assess the nature and appropriateness of IIO financial transactions as they pertain to risk areas identified in the SWOT analysis, in the context of Government Core Policy.
- Assess the nature and appropriateness of IIO staffing decisions as they pertain to risk areas identified in the SWOT analysis, in the context of Government Core Policy.

- Assess the nature and appropriateness of the use of government assets by the IIO as it pertains to risk areas identified in the SWOT analysis, in the context of Government Core Policy.

Appendix A If this document is a list of documentation to be made available to the review team upon their arrival at IIO offices.

Timing of the Review:

- The planning and risk assessment will be conducted from October 1, 2013 through November 15, 2013.
- The review will be conducted on November 28 and November 29, 2013.
- The reporting of the review will be conducted from December 4, 2013 through January 15, 2014.

Project Responsibility:

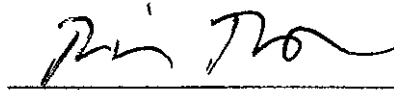
Responsibility for the overall review quality is assigned to David Hoadley, Chief Financial Officer of the Ministry of Justice. The review team will include:

- Julie Spiteri, Executive Director - Organizational Development.
- Richard Brown, Senior Workforce Advisor.
- David Mortimer, Financial Analyst.
- Other corporate management service staff as required.

Management of the IIO will provide the review team with access to all relevant information such as documentation and records; allow the review team to copy documentation and remove copied documentation from IIO premises; provide additional information as requested by our review team; allow unrestricted access to persons from whom the team determines is necessary to obtain evidence.


Tara Faganello
Assistant Deputy Minister
Executive Financial Officer
Corporate Management Services Branch

Nov 26/13
Date signed


Richard Rosenthal
Chief Civilian Director
Independent Investigations Office of British Columbia

Nov 26, 2013
Date signed

Page 71 redacted for the following reason:

s.14

Andrade, Ana JAG:EX

From: Spiteri, Julie R JAG:EX
Sent: Thursday, February 27, 2014 5:41 PM
To: Rosenthal, Richard IIO:EX
Subject: RE: Status Update

This is perfect, thank you Richard. I will need to share with David to ensure he has no concerns but I don't anticipate any. Will get back to you if there are, I think safe to say these are good changes☺

From: Rosenthal, Richard IIO:EX
Sent: Thursday, February 27, 2014 12:56 PM
To: Spiteri, Julie R JAG:EX
Subject: Status Update

Hi Julie: thanks for taking the time to meet with me yesterday. I have had a chance to go over the draft status update and do have a few comments/suggestions:

s.13, s.17

s.17, s.13

s.17, s.13

I hope this is not more than you were looking for. Thank you for your help over the past few months – it has been greatly appreciated; I also appreciate the tone and balance you are clearly trying to achieve in this Status Update. Please feel free to give me a call to discuss further if appropriate.

Richard Rosenthal | Chief Civilian Director
Independent Investigations Office

12th Floor, 13450 102 Avenue, Surrey BC V3T 5X3
Direct: (604) 586-5656 | Mobile: (604) 363 5270 | Fax: (604) 586-5662

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Please consider the environment before printing this e-mail.

Faganello, Tara JAG:EX

From: Hoadley, David JAG:EX
Sent: Thursday, March 13, 2014 2:53 PM
To: Rosenthal, Richard IIO:EX
Cc: Spiteri, Julie R JAG:EX; Faganello, Tara JAG:EX
Attachments: Financial Review Notes and Recommendations.docx

Hi Richard:

Thank you for meeting with Julie Spiteri and me. We have incorporated your feedback into the findings from our review and status update, please see attached.

Thanks,
David

The information in this email is confidential, and may be privileged. It is intended solely for the addressee. Any review, distribution, copying, printing or other use of this email by persons or entities other than the addressee is prohibited without the sender's consent. If you have received this communication in error, The Ministry of Justice asks that you please notify the sender by replying to the message and delete it from your computer.

Independent Investigations Office Financial and Hiring Review
Status Update
March 13, 2014

Prepared for: Richard Rosenthal, Chief Civilian Director (IIO)
Tara Faganello, Assistant Deputy Minister (CMSB)

Background:

The Organization Development Team (ODT) was asked by the Independent Investigations Office to support their management team in undergoing a strategic planning exercise in the early fall of 2013. The methodology used by ODT to identify strengths, weaknesses, opportunities and threats was a confidential survey to IIO employees requesting their feedback. As a result of comments made by employees in the survey results, the Assistant Deputy Minister worked with the Chief Civilian Director to develop a Terms of Reference in order to conduct a financial and staffing practices review. The review was conducted on November 28 and 29, 2013¹.

Review Team

- Tara Faganello, Assistant Deputy Minister
- David Hoadley, Chief Financial Office
- David Mortimer, Financial Planning Analyst
- Julie Spiteri, Executive Director (ODT)

The following are the review team's observations that arose as a result of this review

Themes:

Financial Practices

1. Relocation packages for Management Levels: Based on the random selection and subsequent review of employee personnel files, employees hired from outside the province received an "up to" relocation benefit in their offer letter. In addition, all files that were reviewed showed that former Alberta residents claimed the full relocation whereas one employee who was from Saskatchewan claimed significantly less than the \$18,000 relocation cap.
2. Relocation packages Clerical Levels: Relocation costs have been paid to clerical staff, which is an unusual practice, given the IIO is located in a large metropolitan area and would have a large talent pool to recruit from. After further discussion with R. Rosenthal, preference was given to local candidates however none of the local candidates passed the competition for the Administrative Assistant position in particular.
3. Vehicle Use: The initial vehicle use policy was developed based on IIO's initial expectations of operational needs. The policy was developed after consulting with David Hoadley, the ministry's Chief Financial Officer. After one year in operation, the IIO initiated a review of the vehicle use

¹ Please note the detailed review of competition files is currently being undertaken by the BC Public Service Agency. The ministry expects to have these results by the end of March 2014. To date, no discrepancies have been noted by the BC Public Service Agency.

policy. As part of the review, it became clear that the vehicle use was not what was anticipated, as off-call investigators with assigned vehicles were not being called out, as a result there was some unintended personal use of government vehicles. The IIO is in the process of revising its vehicle use policy to reflect current operational need and to be consistent with core policy. Implementation of the revised vehicle policy is anticipated before the end of the fiscal year.

Business Management Practices

1. Performance Measurement: there did not appear to be performance metrics on business operations such as staffing levels compared to anticipated caseloads. This lack of measurement then can potentially lead to over staffing and greater resource expenditures than are initially needed. After further discussions with R. Rosenthal, there were performance metrics established for IIO. Specifically, the management team in the creation of the IIO determined that in order for the organization to be able to adequately respond to a significant critical incident or more than one critical incident on a single day, the IIO would need two teams of five investigators plus one team director for each team. As such, the IIO came up with a staffing plan for four investigative teams of six. This would allow for 12 investigators to be on call at any one time – the minimum number needed in case of a significant critical incident. Due to a lack of data at the time of creating the IIO, the team was not able to identify how many types of incidents would fall within the new mandate.

s.17

Recruitment/Hiring Practices

1. Marketing of Job Opportunities: Based on a conversation with s.22 he informally marketed job opportunities with the IIO to his network in Alberta. While this enabled the IIO to fill critical positions, there seems to be a trend that most Director positions are filled by personnel from Alberta. In addition, approximately 30% of investigation staff are from Alberta. After further discussion with R. Rosenthal. He relayed that the IIO also engaged in informal marketing e-mails and phone calls to Ontario (the only province other than Alberta to have established critical incident oversight operation in Canada).
2. Employee redeployment: one particular employee movement requires further discussion. s.22

s.22

More themes may emerge from the BC Public Service Agency review of the competition files.

Status Update:

Corporate Management Service Branch representatives (Tara Faganello, David Hoadley, Julie Spiteri and Dr. Richard Brown) have partnered with Richard Rosenthal and his senior managers to address the themes that arose within the review. This partnership is very strong and all parties are working collaboratively to address the themes with excellent progress to date.

Financial Practices Theme

1. Relocations costs: Through ongoing work and discussion with the IIO the senior leadership team has revised its practices for relocation. The IIO continues to consult with CMSB on decisions regarding relocation. In addition, as the clerical talent pool for Vancouver is quite robust further competitions will be designed in such a way to ensure relocation costs are mitigated.
2. Vehicle use: The IIO is in the process of revising its vehicle use policy to ensure that vehicles are used only for work related purposes with implementation before the end of the fiscal year.
3. Core Financial Policy - General: The IIO has consulted with the ADM of Corporate Management Services and her staff on questions as to whether the IIO is or would be in compliance with core policy and good financial management practices. We encourage the IIO to continue to do so.

Business Management Theme

1. Leadership: Although not a theme that arose during the financial review it is worthy to note the excellent progress that has been made to date by Richard Rosenthal s.22

s.22

- working with the BC Public Service Agency to obtain team and individual coaching opportunities for IIO executive staff and members of the investigative leadership team.

2. Business Management Practices: Dr. Richard Brown and the IIO management team are working through a strategic planning process to further define the goals, roles, processes and systems that the IIO will need in the future to be successful. Part of this exercise will be to determine performance measures that will ensure that IIO is resourced based on caseloads.

Recruitment/Hiring Practices Theme

1. Marketing: The goal of the IIO is to have a civilian investigation team. Further work will need to be done to develop a succession management and development process to further this goal as the majority of people with investigative skills come from policing backgrounds.
2. Employee redeployment: As noted in # 1 above the outstanding question will be discussed on February 26, 2014.
3. s.22 contract: The IIO has been working with the BC Public Service Agency to permanently fill the Chief Investigator position. It is currently posted. The salary is under review and a final decision on compensation will be provided by Lynda Tarras prior to March 31, 2014. Once the hiring is completed living/travel costs provided to R. Fitzpatrick can be concluded.

Conclusion:

As noted previously the writers of this report are very encouraged with the actions taken to date and the partnership that CMSB and IIO have developed to address the issues that were identified in the review.

Prepared by: Julie Spiteri, Executive Director (ODT)
David Hoadley, Chief Financial Officer (CMSB)

Faganello, Tara JAG:EX

From: Faganello, Tara JAG:EX
Sent: Tuesday, April 22, 2014 3:49 PM
To: Rosenthal, Richard IIO:EX
Cc: Chalke, Jay JAG:EX
Subject: RE: JIBC Final Draft Report for IIO

Sorry for the delay, dealing with another urgent item today. I have reviewed but only quickly. I don't want to hold you up any longer so here are my few suggestions. You should prob get it to the DAG and if I have anything further later will let you know.

1.

s.13, s.22

2.

s.13

3.

I guess my theme here is tackle those tough criticisms head one and share your truth.

T

From: Rosenthal, Richard IIO:EX
Sent: Tuesday, April 22, 2014 3:21 PM
To: Faganello, Tara JAG:EX
Subject: RE: JIBC Final Draft Report for IIO

Tara: did you get a chance to review this? (I did edit as per Jay's prior suggestions regarding tone). Any suggestions? Otherwise, I will send to the DAG with the draft report.

From: Faganello, Tara JAG:EX
Sent: April-22-14 6:54 AM
To: Rosenthal, Richard IIO:EX; Chalke, Jay JAG:EX
Subject: Re: JIBC Final Draft Report for IIO

I can at noon today.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Rosenthal, Richard IIO:EX
Sent: Saturday, April 19, 2014 6:19 PM
To: Faganello, Tara JAG:EX; Chalke, Jay JAG:EX
Subject: FW: JIBC Final Draft Report for IIO

I received the final draft this afternoon and have updated my response accordingly. (Please delete the prior version as it is no longer current). Please review and let me know your thoughts. My hope is to facilitate a meeting between the JIBC and IIO staff on April 30th. Mr. Larkin will actually be on site, visiting the IIO office on that date. I am hoping to send this to the DAG ASAP.

From: Kidd, Barb [bkidd@jibc.ca]
Sent: April 19, 2014 2:02 PM
To: Rosenthal, Richard IIO:EX
Cc: Trump, Mike
Subject: JIBC Final Draft Report for IIO

Hi Richard

Hope all is well.

Please find the JIBC's Final Draft Report attached. While still in *draft* this report is considered an internal document and we recommend it not be shared outside of the IIO office until finalized.

Please share the report with your staff in preparation for our upcoming meeting - Mike Trump, Dean of School of Criminal Justice and I will both be attending.

Thanks so much.

Barb

Barb Kidd
Dean

School of Health, Community & Social Justice | Justice Institute of British Columbia
715 McBride Boulevard, New Westminster, BC V3L 5T4

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Andrade, Ana JAG:EX

From: Spiteri, Julie R JAG:EX
Sent: Friday, January 31, 2014 12:00 PM
To: Rutkauskas, Lucy PSA:EX
Subject: RE: IIO review re competition files

Thanks Lucy!

From: Rutkauskas, Lucy PSA:EX
Sent: Friday, January 31, 2014 11:55 AM
To: Spiteri, Julie R JAG:EX
Cc: Brown, Richard J JAG:EX
Subject: RE: IIO review re competition files

Hi Julie. The update is that we are still working on the review. Unfortunately, the staff member who was originally working on the review has left. One of my other staff is working on it and it is proving to be very time consuming as it involves 6 competitions and going through and sorting all the documentation is taking time.

I realize this is something that the Ministry is anxious about so I am asking another one of my staff to assist in the review. She should be able to start providing some assistance next week. I believe this will still take some time but will ask staff to try to have it completed within the next 3 weeks.

Sorry it's taking so long. Let me know if you have any other questions.

Lucy

Lucy Rutkauskas, Manager, Recruitment Practice and Audit
Talent Management Division | BC Public Service Agency
Suite 100, 940 Blanshard Street | Victoria, BC | V8W 2H2 | 250 356-2631 |
Website: www.gov.bc.ca/myhr | 250.952.6000 | Toll Free 1.877.277.0772

From: Spiteri, Julie R JAG:EX
Sent: Friday, January 31, 2014 11:42 AM
To: Rutkauskas, Lucy PSA:EX
Cc: Brown, Richard J JAG:EX
Subject: IIO review re competition files

Hi Lucy! s.22 and I have a meeting with Richard Rosenthal and ADM today hence why I am following up not Rich. Any updates on the review that I can share? ETA of completion? Thanks!

Andrade, Ana JAG:EX

From: Rutkauskas, Lucy PSA:EX
Sent: Wednesday, April 23, 2014 8:38 PM
To: Spiteri, Julie R JAG:EX; Brown, Richard J JAG:EX
Cc: Owens, Anita PSA:EX
Subject: STRICTLY CONFIDENTIAL -- IIO HIRING
Attachments: IIO Hiring Report.docx

Categories: Green Category

I sincerely apologize for the lengthy delay in completing the reviews of appointment decisions made in the Independent Investigations Office. The review has now been completed and the results are attached.

Our findings of the 9 competitions that were reviewed and based on the competition documentation that was available, are that:

- 3 competitions resulted in a total of 3 appointments made through a merit-based process (merit applied);
- 3 competitions resulted in a total of 6 appointments that were not made through a merit-based process (merit not applied); and
- We were unable to determine in 3 competitions totalling 21 appointments if merit was applied or not as there was insufficient competition documentation available.

Accordingly, of a total of 30 appointments from 9 competitions:

- 3, or 10%, were based on merit;
- 6, or 20%, were not based on merit; and
- 21, or 70%, the hiring panels were not able to demonstrate through documentation if merit was applied.

Please contact Anita Owens to make arrangements to have the competition documentation returned to you.

s.22 so if you have any questions on the Report, after Thursday, please contact Anita.

Again, I apologize for the delay.

Lucy

Lucy Rutkauskas, Manager, Recruitment Practice and Audit
Talent Management Division | BC Public Service Agency
Suite 100, 940 Blanshard Street | Victoria, BC | V8W 2H2 | 250 356-2650 NEW|
Website: www.gov.bc.ca/myhr 250.952.6000 | Toll Free 1.877.277.0772

April 22, 2014

INTERNAL HIRING REVIEWS

Hiring Reviews of Selected Hiring Actions, Independent Investigations Office Requested by the Ministry of Justice

The Ministry of Justice, requested a review of selected hiring actions for recruitment that occurred in 2012 for the newly formed Independent Investigations Office. The BC Public Service Agency reviewed all competition documentation provided and has conducted the review. The BC Public Service Agency is accountable for maintaining an impartial and objective view throughout the entire hiring review process.

While the review focused on the competitions that selected candidates who had previously worked for an Alberta policing agency, all competitions that were provided to the BC Public Service Agency by the Ministry of Justice were reviewed. The review looked for contrast in the way each competition was managed. It is noted that all of these hiring actions were part of a larger recruitment initiative for the Independent Investigations Office.

The overall recruitment and selection process was examined to ensure that all factors of merit were appropriately considered and assessed in making an appointment as required by the *Public Service Act*.

The following requisitions were reviewed:

- REQ 10896 – Executive Director, Public Accountability – [Appendix 1](#)
- REQ 11137 – Director, Specialized Investigative Team – [Appendix 2](#)
- REQ 13393 – Director of Investigations – [Appendix 3](#)
- REQ 9387 – Director, Investigative Teams – [Appendix 4](#)
- REQ 8387 – Director, Investigative Team – [Appendix 5](#)
- REQ 8389 – Senior Investigator – [Appendix 6](#)
- REQ 10500 – Investigator / Sr. Investigator – [Appendix 7](#)
- REQ 11139 – Senior Investigator, Traffic – [Appendix 8](#)
- REQ 12595 – Senior Investigator – [Appendix 9](#)

Considerations

The *Public Service Act* states that the factors of merit to be considered in a competition are applicants' education, experience, knowledge, skills and abilities, past work performance and years of continuous service. A meritorious appointment is based on all these factors and the process should be fair, consistent and transparent.

Managers have delegated staffing authority and they are responsible and accountable for the assessment process used to hire staff. It is understood and accepted that the responsible manager or supervisor understands the needs of the business and is in the best position to determine the qualifications and competencies required for a position and the tools and methods best used to assess them. This review does not substitute decisions made by the Hiring Manager but considers whether a fair and reasonable merit-based process was used.

Findings of the reviews

Overall the findings are mixed. Some of the competition were completed well and found to be meritorious while others missed documenting part(s) of the process or missed completing necessary components all together.

Screening was an issue in some of the competitions as it was not clearly documented. In some cases it was necessary for the reviewer to review each applicant to verify screening results. Documenting the results of screening is a necessary part of the process as that documentation provides evidence that the staffing action is based on the principle of merit and that the steps taken are consistent, reasonable and justifiable.

Throughout the process the reviewer found some instances where applicants had applied to more than one (ILO) competition. Some notes indicate that decisions made in one competition were carried over to another competition. For example an applicant that failed the interview in one competition was not granted an interview in another, because of that previous result. This could be a reasonable decision for a hiring manager to make however it needs to be documented well. The documented results (i.e. of a failed interview) should be brought over so that there is proper evidence of how and why the hiring manager chose to make that decision. The competitions must also be the same and by bringing over a copy of the documentation it should provide evidence to support that.

The reviewer found that in most cases candidates that moved forward in a competition were qualified. There was an exception in s.22 where the candidate did not meet all the selection criteria. In another competition, REQ 8387, it is not clear if the candidates were qualified as the reviewer did not verify the screening results because a permanent appointment was not made. However, it was confirmed that the candidate selected for a temporary appointment did meet the education and experience qualifications.

In these reviews there was no opportunity for the reviewer to go back to the hiring manager to get clarification or seek additional documentation that may not have been supplied. There was also less critical information that was not clear such as who the panel members were. In most cases the reviewer was able to determine how many were on the panel but not all panel members names were noted in the file(s).

For all of the competitions, with the exception of REQ 8389 that did not have interview documentation, the interview questions were designed to assess applicants against relevant criteria. There was a mix of knowledge and skill based questions as well as behavioural competency based questions. Some competitions also included a written component.

Past work performance checks, where they were considered, were done well. In most cases 3 references for each candidate being offer a position were contacted. Some competitions however missed this factor of merit or did not document it at all.

There did not appear to be a bias, preference or trend with applicants that had previous experience in an Alberta policing agency. Candidates that were appointed were well qualified and met the criteria as set out in the staffing action.

The reviewer found evidence of outreach activities conducted by R. Rosenthal and/or on his behalf that included correspondence or notes to or from Victoria Police Department, Delta Police Department, Ontario Provincial Government, Vancouver Police Department, RCMP, Calgary Police Service, Quebec Police, and the Ministry of Justice (BC). Some correspondence included an introduction to the IIO, the purpose and the types of positions being recruited for. There is also a contact list of all provincial policing agencies and a contact list of the division of the RCMP across Canada.

Please find in the Appendixes that follow, detailed information on each of the competitions reviewed.

Prepared by:
BC Public Service Agency

Appendix 1

REQ 10896 – Executive Director, Public Accountability

Appointed s.22 previously employed by s.22

The competition was open to all BC Public Service employees and open to external applicants. The posting identified the qualifications that were required in order for applicants to be considered.

Six (6) applicants applied to this competition. There was a screening sheet included that detailed where applicants did and did not meet the education and experience criteria. All resumes were printed.

Four (4) candidates were invited to move forward to an interview. Each of these candidates was asked to bring a copy of one or more publication that they were responsible for that demonstrated their ability to perform in the Executive Director position. The submissions were marked on relevance and quality.

The interview consisted of review and assessment of qualifications, and three interview questions that assessed knowledge, skills and abilities. The panel consisted of 4 members; s.22

s.22 A copy of interview questions and an answer key was included in the documentation. Panel member notes are present for all panel members and scoring is recorded on a rating guide form. Panel notes appear to be sufficiently comprehensive to enable the Hiring Panel to recall candidates' responses and score the responses accordingly. Three candidates passed the interview and of those two passed the written.

Past work performance checks were conducted on the highest rated candidate. There were three references contacted for that candidate. The reference checks consisted of 9 performance related questions. An eligibility list was not established.

Conclusion

s.13

Appendix 2

REQ 11137 – Director, Specialized Investigative Team

Appointed s.22 previously employed by s.22

The competition was open to all BC Public Service employees and open to external applicants. The posting identified the qualifications that were required in order for applicants to be considered.

Twelve (12) applicants applied to this competition. There is a two page screening document that indicates why applicants did not screen in. All resumes were printed and included with documentation. Ten applicants did not screen into the competition. A review of each of the ten applicants confirms they are not qualified to proceed further in the competition.

Two candidates moved forward to an interview. The interview consisted of review and assessment of qualifications, and three interview questions that assessed knowledge, skills and abilities. The panel consisted of 3 members; s.22 A copy of interview questions and an answer key was included in the documentation. Panel member notes are present for two panel members and scoring is recorded on a rating guide form. Both candidates scored fairly close however only one candidate passed the interview and the other did not.

Past work performance checks were conducted on the candidate that passed the interview. There were three references contacted. The reference checks consisted of four behavioural based questions and 5 additional performance related questions.

Conclusion

s.13

Appendix 3

REQ 13393 – Director of Investigations

Appointed	s.22	previously employed by	s.22
Appointed		previously employed by	

The competition was open to BC Public Service employees and open to external applicants. The posting identified the qualifications that were required in order for applicants to be considered.

There were twenty-five applicants that applied to this competition. Screening is well documented on a screening sheet as well as hand written notes on applicant resumes. Seven applicants screened in and were invited to an interview and written assessment. The reviewer verified the screening results.

Two (2) candidates withdrew at this stage of the competition. Five (5) candidates completed the interview and the written assessment. There were three panel members. Panel notes appear to be sufficiently comprehensive to enable the Hiring Panel to recall candidates' responses and score the responses accordingly. One candidate failed at this stage of the competition. All candidates scored very closely with the exception of the candidate that failed. The top two candidates were offered positions. An eligibility list was not established.

There is no evidence in this competition that past work performance was assessed. Past work performance is one of the factors of merit that must be considered. BC Public Service Agency Hiring and Deployment Policy requires that an assessment of past work performance be conducted and must include a reference from a supervisor or equivalent.

Conclusion

s.13

Appendix 4

REQ 9387 – Director, Investigative Teams

Appointed	s.22	reviously employed at	s.22
Appointed		, previously employed at	s.22
Appointed	s.22	previously employed at	s.22

The competition was open to all BC Public Service employees and open to external applicants. The posting identified the qualifications that were required in order for applicants to be considered.

Fifty nine applicants applied to this posting. The screening sheet is not filled out. Resumes were printed and there are a few notes on some resumes but for the most part an "x" is the only mark on each resume that indicates they were not selected to move forward. Through a review of the resumes identified with an x (as not screened in) it is validated that 51 applicants did not screen in. Hiring managers are responsible to properly document screening results as that documentation provides evidence that the staffing action is based on the principle of merit and that the steps taken are consistent, reasonable and justifiable.

Two candidates withdrew from the competition.

The competition documentation indicates that 7 applicants were moved forward to the interview assessment stage of the competition. A review of the 7 candidate's profiles indicates that 6 have the required education and experience to move forward. Based on the criteria set out in the posting, one candidate s.22 did not demonstrate in his application (resume) that he had 5 years' experience managing staff, operations and budgets. This candidate should not have screened in.

The competition documentation later indicates that one of the candidates to be interviewed was determined not eligible to be considered as he was currently working for a BC policing agency. Six candidates moved forward.

The interview consisted of two technical scenarios and one, 3 part skills question. A copy of the interview questions and answer key is included in the competition documentation. A rating guide is also included. Panel notes are present for all interviewed candidates. The top 3 candidates were selected for offers. This included s.22

Past work performance checks were conducted for each candidate.

Conclusion

Appendix 5

REQ 8387 – Director. Investigative Team

Appointed s.22 previously employed at s.22

The competition was open to all BC Public Service employees and open to external applicants. The posting identified the qualifications that were required in order for applicants to be considered.

There were 80 applications received for this competition. Applicants were required to complete a questionnaire as part of the application process. The questionnaire was based on the education and experience requirements identified in the Job Posting. Forty-three applicants self-identified as meeting the job requirements. Five applicants were added late and screened separately to the competition.

The screening was very difficult to figure out for this competition. It appears as though the questionnaire results were not used and applicants were screened manually. There is some evidence of how applicants were screened but not for all. Hiring managers are responsible to properly document screening results as that documentation provides evidence that the staffing action is based on the principle of merit and that the steps taken are consistent, reasonable and justifiable. Eight applicants were short-listed and moved to the interview stage of the competition. This competition concluded without making a regular permanent appointment and therefore the reviewer did not verify the results of the screening of applicants.

The documentation indicates that 8 candidates were moved forward to the interview stage. There were two candidates s.22 that have no interview documentation. There is documentation for four interviews: s.22 subsequently withdrew. Another applicant withdrew s.22 before the interview and one candidate s.22 was found to not be eligible as he was currently employed as a civilian member in a BC policing agency.

The competition file has a copy of the interview questions and an answer key. There are panel notes for each of the 4 candidates that documentation is provided for. The panel consisted of 4 members. Panel member notes are present for all panel members and scoring is recorded on a rating guide form. Panel notes appear to be sufficiently comprehensive to enable the Hiring Panel to recall candidates' responses and score the responses accordingly. Three candidates passed the interview.

The top rated candidate had past work performance check completed. There were three references contacted. The reference checks consisted of 9 performance related questions.

There was some communication between the hiring manger and the BC Public Service Agency about cancelling the competition. In the end the competition was not cancelled and a regular permanent offer was not made but a 6 month TA was made instead. All candidates received regret notification indicating that a temporary appointment was made and because there were no other qualified applicants, the remaining permanent vacancies would be subject to a subsequent posting. An eligibility list was not established.

Conclusion

s.13

Appendix 6

REQ 8389 – Senior Investigator

Appointed		previously employed at	
Appointed	s.22	previously employed at	s.22
Appointed		previously employed at	
Appointed	s.22	previously employed at	s.22
Appointed	s.22	previously employed at	s.22
Appointed		previously employed at	s.22
Appointed	s.22	previously employed at	s.22
Appointed		previously employed at	s.22

The competition was open to all BC Public Service employees and open to external applicants. The posting identified the qualifications that were required in order for applicants to be considered.

There were 106 applicants that applied to this competition. Nine (9) candidates were provided with offers and eight (8) hired. One candidate did not pass the enhanced security screening.

The competition documentation is incomplete. The only documentation that is included is a copy of posting, applicant resumes that screened out, names of 5 applicants that withdrew and applicant resumes that were selected and received offers. There is no evidence of any assessments of applicants.

Conclusion

s.13

Appendix 7

REQ 10500 – Investigator / Sr. Investigator

Appointed	s.22	previously employed at	s.22	
Appointed	s.22	previously employed at		s.22
Appointed		previously employed at	s.22	
Appointed	s.22	previously employed at		s.22
Appointed	s.22	previously employed at	s.22	
Appointed	s.22	previously employed at		s.22
Appointed	s.22	previously employed at		s.22
Appointed	s.22	previously employed at	s.22	
Appointed	s.22	previously employed at		s.22
s.22				
Appointed	s.22	previously employed at	s.22	
Appointed	s.22	previously employed at		s.22
Appointed	s.22	previously employed at	s.22	

The competition was open to all BC Public Service employees and open to external applicants. The posting identified the qualifications that were required in order for applicants to be considered.

There were 163 applicants that applied to this competition. Applicants that applied to REQ 8390 were also invited to apply to this competition. There were four (4) late applicants added to this competition. Each resume was printed and is included in the competition documentation. For each applicant that was not screened in, a handwritten note attached to the resume indicated the qualification(s) that were missing.

Forty-three candidates were short listed and moved forward to the interview stage. Two candidates withdrew before being interviewed. Interview notes and rating guides are present in the competition for 38 candidates. For these 38 candidates the interviews are well documented.

There are 3 candidates where documentation at this stage of the competition is an issue. One candidate failed the panel interview but there is no documentation or rating guide scores to support that. Two (2) candidates that passed the interview and were offered positions had incomplete interview documentation. There are interview notes for one and not the other and no scores documented for either candidate. These candidates may have been interviewed for another IIO competition however this is not documented. It is important that proper documentation be included in the competition to justify and support the decisions a hiring manager is making.

The top 10 candidates, plus the two without interview documentation were offered positions. Each candidate that was offered a position (including the two without interview documentation) had past work performance checks completed.

Conclusion

s.13

Appendix 8

REQ 11139 – Senior Investigator, Traffic

Appointed s.22 previously employed by s.22

The competition was a repost of an earlier completion (REQ 8906) that was cancelled due to no qualified candidates being found. This REQ (11139) was open to BC Public Service employees and open to external applicants. The posting identified the qualifications that were required in order for applicants to be considered.

Eight (8) applicants applied to this competition by the closing date. One additional applicant was added late making the total applicants nine. The applicant that was added late was the only applicant that successfully screened in and moved forward to an interview. The screening of the other 8 candidates is not documented well. The screening sheet is not filled out. Resumes were printed and there are a few notes on some resumes but for the most part an "x" is the only mark on each resume that indicates they were not selected to move forward. Through a review of the resumes contained in the competition file, it is validated that the 8 applicants did not screen in. Hiring Managers are responsible for documenting the entire hiring process. Documenting the results of screening is a part of that process as that documentation provides evidence that the staffing action is based on the principle of merit and that the steps taken are consistent, reasonable and justifiable.

The interview stage of the competition consisted of 6 interview questions designed to assess qualifications. There are copies of the questions but no answer key is included. There were 3 panel members; s.22 and the 3rd is not clear. Panel member notes are documented and scoring is recorded on a rating guide form. The candidate passed the interview.

There is no evidence in this competition that past work performance was assessed. Past work performance is one of the factors of merit that must be considered. BC Public Service Agency Hiring and Deployment Policy requires that an assessment of past work performance be conducted and must include a reference from a supervisor or equivalent.

Conclusion

Appendix 9

REQ 12595 – Senior Investigator

Appointed: s.22 previously employed by s.22

The competition was open to BC Public Service employees and open to external applicants. The posting identified the qualifications that were required in order for applicants to be considered further for the position.

A total of thirty-six (36) applicants were received. Two applicants were not considered as they were not eligible to work in Canada. Thirty four applicants were screened. The competition documentation has copies of their resumes, each with a cover sheet indicating whether or not they qualified to continue and the rationale if they did not. Two (2) candidates qualified to be screened in but did not move forward. It is documented that both candidates had previously interviewed with the IIO and failed. It is recommended that more information be provided about the previous competitions so that it can be demonstrated as a reasonable decision not to include them in this competition. A review of the BC Public Service Agency's Recruitment Management System indicates that both applicants did apply on other IIO competitions and were not successful. It is noted that these competitions were also at the Business Leadership level. Nine (9) candidates were shortlisted and invited to the next stage of the competition.

The next phase consisted of a written assessment and an oral interview. Candidates that were selected to move forward were sent a written assignment that consisted of 5 questions assessing organizational awareness, written communications skills, insight, and analytical thinking. The written assignment was due before interviews were conducted however they were not marked until after interviews were concluded.

The interview consisted of 5 knowledge/skill based questions and one behavioural based question. There were four panel members; s.22 and one other. Of the nine candidates that interviewed only two passed the interview portion. The written assignments of the seven (7) that failed the interview were not marked. It was determined that even if they passed the written they would not have enough points to pass overall. Documentation supports this.

The two candidates that were selected had past work performance checks completed. Both candidates passed the reference checks. One candidate was offered the position and the other was placed on an eligibility list.

Conclusion

s.13

Pages 97 through 101 redacted for the following reasons:

s.14, s.22

Andrade, Ana JAG:EX

From: Spiteri, Julie R JAG:EX
Sent: Monday, August 11, 2014 9:54 AM
To: Shorthouse, Ashley JAG:EX
Subject: RE: Investigation of complaints of s.22

That's great, you're going to love Shannon ☺

From: Shorthouse, Ashley JAG:EX
Sent: Monday, August 11, 2014 9:54 AM
To: Spiteri, Julie R JAG:EX
Subject: RE: Investigation of complaints of s.22

Thanks Julie. Good to see the proactive communication from RR to staff.

On a side note, I have been in touch with Shannon Holms (thanks again for the recommendation) and Rich and I will be meeting with her this week to discuss the IIO and the possibility of her facilitating a communications meeting with the Strategic Planning Committee.

From: Spiteri, Julie R JAG:EX
Sent: Monday, August 11, 2014 9:37 AM
To: Brown, Richard J JAG:EX; Shorthouse, Ashley JAG:EX
Subject: FYI: Investigation of complaints of s.22

Message from RR that went out to staff. ☺

From: Rosenthal, Richard IIO:EX
Sent: Friday, August 8, 2014 2:01 PM
To: IIO All Staff
Subject: FW: Investigation of complaints of s.22

Dear IIO Staff

Just as there is a process for the investigation of complaints made about the conduct of IIO staff, there is also a process for complaints made against me, as the Chief Civilian Director. I wanted to advise you all that there have been complaints made to the Deputy Attorney General by two former staff members of the IIO. As a result, an external review is being conducted of those complaints by Tony Belcher, a labour relations consultant, appointed by the Deputy Attorney General.

Mr. Belcher will meet with the complainants and myself and may wish to meet with one or more of you to review the complaints. I trust that you will cooperate with Mr. Belcher should he contact you. His report, when completed, will then be submitted to the Deputy Attorney General.

Please feel free to stop by and talk to me to discuss if you have any issues or concerns.

Thanks and have a great weekend.

Richard

Andrade, Ana JAG:EX

From: Spiteri, Julie R JAG:EX
Sent: Tuesday, September 2, 2014 1:10 PM
To: Rosenthal, Richard IIO:EX; Brown, Richard J JAG:EX
Subject: RE: Tony Beltcher

Hi Richard R ☺ Yes no problem. Tony was here today chatting with Rich. Cheers!

From: Rosenthal, Richard IIO:EX
Sent: Thursday, August 28, 2014 2:59 PM
To: Brown, Richard J JAG:EX
Cc: Spiteri, Julie R JAG:EX
Subject: Tony Beltcher

Good afternoon Julie and Richard:

As you are both aware, Tony Beltcher has been appointed by the DAG to conduct a review of a complaint made by two former investigators s.22 . After conversing with Mr. Beltcher, I am thinking that it would be helpful for him to have some context regarding the IIO's organizational, structural, cultural and personnel challenges. To that extent, I have provided Mr. Beltcher with Rich's contact information in the hope that Rich would be willing and able to speak to Mr. Beltcher and answer any questions he may have in that regard.

I hope that this referral meets with your approval. Please let me know if you have any concerns in that regard.

Richard Rosenthal | Chief Civilian Director
Independent Investigations Office

12th Floor, 13450 102 Avenue, Surrey BC V3T 5X3
Direct: (604) 586-5656 | Mobile: (604) 363 5270 | Fax: (604) 586-5662

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Please consider the environment before printing this e-mail.

Page 104 redacted for the following reason:

s.22

s.22

Please consider the environment before printing this e-mail.

From: Rosenthal, Richard IIO:EX

Sent: 2014-06-24 4:11 PM

To: Ramu, Priya IIO:EX; Kaiway, Barbara D IIO:EX; Krecsy, Gene IIO:EX; Waldock, Henry IIO:EX; Daniels, Judy IIO:EX; Kilpatrick, Kellie J IIO:EX; Singh, Karpal IIO:EX

Subject: PSA Audit Results - For Hiring Managers

Folks: please find enclosed the results of a PSA audit of some of our prior competitions. I am forwarding this to each of you as you are currently acting in a "Hiring Manager" capacity. Please review and ensure that you are confident that your competition would be able to withstand this type of scrutiny. Thanks for all that you do!

Richard Rosenthal | Chief Civilian Director
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REQ 1137 – Appendix 2 - Director, Specialized Team (Kilpatrick)

The review determined that the staged assessment process considered all the factors of merit even though only two of three panel members' notes are on file.

Response

As I was not the hiring manager (albeit as ED Transition Team, I likely signed off the checklist), any feedback needs to be redirected. I believe the hiring manager was the CCD and he was assisted by the EDI and an Ident member from VPD.

REQ 13393 – Appendix 3 - Director of Investigations (Kilpatrick)

- Appointed
 - Appointed
- s.22

Audit report – the review has determined that the staged assessment process did not consider all the factors of merit as past work performance checks were either not completed or not documented.

Response by hiring manager

Both of these successful candidates had been hired through REQ 8389 – written, interview panel, reference checks, background checks, educational verification, driver's abstract review, check of Professional Standards, integrity interview and polygraph.

This was done in the summer of 2012. By late August, both of these candidates were acting Directors at the IIO. Within 6 months, this competition took place. Both successful candidates were the highest in scoring conducted by three panel members.

A corporate decision was made not to re-do the reference checks – to suggest that this was not based on merit is unreasonable.

REQ 8389/8390 - Appendix 6 – Investigator/Senior Investigator (Kilpatrick)

The audit report is as follows:

s.22

There were 106 applicants that applied. Nine candidates were provided with offers and eight were hired. One candidate did not pass the enhanced security screening.

The competition documentation is incomplete. The only documentation that is included is a copy of a posting, applicant resumes that were screened out, names of 5 applicants who withdrew and applicant resumes that were selected and received offers. There is no evidence of any assessments of applicants.

An evaluation of this competition is not possible as competition documentation is incomplete. It is not clear how decisions were made or if a staged assessment process occurred to consider all the factors of merit.

Response by hiring manager

It is unclear what documentation PSA reviewed. This competition was not intended to be audited as it had already been audited by the Merit Commissioner. There are multiple boxes of documentation re these competitions.

This competition 8389 was merged with 8390. This was a competition for investigators and senior investigators. The screening criteria was the same for both except for one small difference – those candidates who wanted to be considered for senior investigators were required to demonstrate leadership/mentoring experience.

Between 8389/8390, there were about 500 applications. The shortlisting document prepared by PSA clearly delineates who was shortlisted and the criteria that was used.

Between March 26, 2012 -April 13, 2012 inclusive, a hiring panel conducted 56 interviews. In the majority of cases, the hiring panel was made up of 3 persons, two from the IIO Transition Team and one typically from Police Services or Sheriffs. All notes and scoring are on the file.

Twenty-two persons passed the written and interview stages of the process and were advanced to the reference check and then enhanced security screening.

Seven of the 22 did not pass either the reference check or the enhanced security screen. They were:

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- s.22
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Four additional candidates declined the offers made by the CCD. They were:

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- s.22
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Eleven candidates accepted the offers and were hired:

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s.22

Given the number of candidates who either declined the offer or did not pass the enhanced security screen, a further competition was held – REQ 10500.

In summary, all of the documentation is available on the competition file.

REQ 10500 – Appendix 7 – Investigator (Kilpatrick)

The audit report is as follows:

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s.22

There were 163 applicants – four late applicants were accepted. Shortlisting documentation is there. Forty-three candidates were shortlisted and moved forward to the interview stage. Two candidates withdrew before being interviewed. Interview notes and rating guides are present. For the 38 candidates, the interviews are well documented.

There are three candidates where documentation is an issue – one failed the panel but there is no documentation. Two who passed the panel and who were offered positions had incomplete interview documentation – there are interview notes for one and not the other – no scores for either.

These candidates may have been interviewed as part of another competition – however this is not documented. The top 10 candidates were offered positions plus the two without proper documentation. Each of these 12 had reference checks done.

Response

Forty-five (45) candidates were screened in to be interviewed.

Withdrawn Prior to Interview (5)

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Failed Panel (22)

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checks were done in addition to the ESS and Professional Standards review. I agree that the interview notes for both candidates should be on the file.

REQ 11139 – Appendix 8 – Senior Investigator, Traffic (Kilpatrick)

The audit report is as follows:

- Appointed : s.22

Eight applicants applied; one was added late. The applicant that was added late was the only applicant to proceed. The screening of the other applicants is not well documented. The screening sheet is not filled out.

The interview stage consisted of 6 questions – there are copies of the questions but no answer key is included. Three panel members are s.22 and the 3rd is not clear.

There is no evidence that past work performance was checked. This review determined that the staged assessment process did not consider all the factors of merit.

Response

While it is possible that I signed off the checklist as ED Transition team, I was not the hiring manager, nor did I have any role in this competition. I suspect it was the Director, Bill Sturgeon.

Page 112 redacted for the following reason:

s.22

s.22

Please consider the environment before printing this e-mail.

From: Rosenthal, Richard IIO:EX

Sent: 2014-06-24 4:11 PM

To: Ramu, Priya IIO:EX; Kaiway, Barbara D IIO:EX; Krecsy, Gene IIO:EX; Waldock, Henry IIO:EX; Daniels, Judy IIO:EX;

Kilpatrick, Kellie J IIO:EX; Singh, Karpal IIO:EX
Subject: PSA Audit Results - For Hiring Managers

Folks: please find enclosed the results of a PSA audit of some of our prior competitions. I am forwarding this to each of you as you are currently acting in a "Hiring Manager" capacity. Please review and ensure that you are confident that your competition would be able to withstand this type of scrutiny. Thanks for all that you do!

Richard Rosenthal | Chief Civilian Director
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Please consider the environment before printing this e-mail.

Title Public Complaints Process	Number 3010
Section Public Accountability	Original Effective Date July 2, 2013
Responsibility Executive Director, Public Accountability	Last Revised Effective Date Not Applicable

POLICY

1. The Independent Investigations Office (IIO) ensures that the public and employees have full and complete access to the complaints process.
2. The IIO makes efforts to resolve complaints at the front line level as they arise.
3. The IIO reviews and acts upon any complaint, anonymous, written or verbal, that indicates possible misconduct by an IIO employee.
4. The IIO acknowledges all complaints in writing to the complainant, if known, and notifies all complainants in writing of the disposition of the complaint.
5. The IIO does not address complaints arising from dissatisfaction with the outcome of an IIO investigation through this complaints process.
6. The Chief Civilian Director (CCD) reviews all complaints as soon as possible.
7. IIO employees are notified in writing that a complaint has been made and provided, if appropriate, details regarding the complaint.
8. The IIO refers all criminal complaints against an IIO investigator to the Office of the Police Complaint Commissioner (OPCC) for investigation. The CCD confers with the BC Public Service Agency regarding the handling of any such complaints.
9. Complaints against non investigative or included employees are dealt with according to this policy and where applicable, the Collective Agreement and BC Public Service Agency human resources policy.

PROCEDURES

10. Anyone may initiate a complaint with the IIO by:
 - 10.1. speaking with an IIO employee
 - 10.2. telephoning the IIO office
 - 10.3. sending in a written complaint to any employee of the IIO, including the CCD.
11. If any IIO employee receives a complaint, anonymous, written or verbal, that indicates misconduct by an IIO investigator or other staff, the employee documents the complaint and forwards it to the CCD.
12. When an IIO employee receives a complaint, the employee advises the CCD of the complaint through their supervisor.
13. The supervisor tries to resolve minor complaints informally. The supervisor ensures that questions related to the complaint are answered (Appendix A) and forwards the information to the CCD through their supervisor where appropriate. The CCD documents any resolution reached.
14. The responsible supervisor advises the complainant that:
 - 14.1. there is a formal complaint process that can be accessed by providing a written complaint;
 - 14.2. all complaints are documented and sent to the CCD.
15. If the complainant wishes to make a formal written complaint, the supervisor advises the complainant to include as much detail as possible in their written complaint and to direct their complaint to the CCD.

Complaints about IIO investigative employees

16. When an IIO supervisor receives a complaint about an IIO employee, it will be forwarded to the CCD. The CCD or designate reviews the complaint and determines whether to investigate and the method of investigation. Complaints may be:
 - 16.1. forwarded to the OPCC for investigation of IIO investigator misconduct;
 - 16.2. directed to the Executive Director, Investigations (EDI) for a Standards of Conduct investigation;
 - 16.3. informally resolved with the consent of the complainant and the IIO employee, either through contact by the CCD or designate or through formal mediation;
 - 16.4. dismissed as frivolous, vexatious, made in bad faith or not warranting further investigation. The CCD takes no further action.
17. The CCD may designate another IIO employee, in a position senior to the employee under investigation, to carry out an investigation of the complaint. The CCD or designate:
 - 17.1. brings complaints to closure that have been directed for summary dismissal as frivolous, vexatious, made in bad faith or not warranting investigation;
 - 17.2. ensures a written acknowledgement has been sent to the complainant within five days of receipt of the complaint by the CCD;
 - 17.3. provides notice to the subject employee, unless such notice would negatively impact the integrity of the investigation;
 - 17.4. conducts the Standards of Conduct investigation;
 - 17.5. if, during the investigation, there are indications that the matter may be one that will involve disciplinary procedures, advises the CCD;

- 17.6. if during the investigation, it is determined that the matter may be concluded through informal resolution, advises the CCD;
 - 17.7. manages the complaints process for the course of the investigation;
 - 17.8. submits a report with recommendations to the CCD, as to the disposition of the complaint.
18. If a complaint is referred to the IIO supervisor of the subject employee, the supervisor makes reasonable efforts to resolve the complaint within 30 days. If the complaint is not resolved within 30 days, the supervisor provides a written report to the CCD outlining the reasons for the delay.
19. At the conclusion of any investigation of allegations against an employee, an investigation report is prepared and submitted to the CCD. The CCD may find as follows:
- 19.1. the complaint is summarily dismissed;
 - 19.2. the complaint is unsubstantiated;
 - 19.3. the complaint is substantiated:
20. Where the findings indicate that the behaviour of the employee violates IIO policy, procedure or written directives, the CCD considers possible outcomes, first giving the subject employee the opportunity to be heard. The outcomes may include disciplinary action up to and including termination, carried out in consultation with BC Public Service Agency.
21. The CCD responds to the complainant in writing regarding the disposition of the complaint with a copy to the subject employee.

Complaints about IIO policy or services

22. An IIO employee receiving a complaint about IIO policy or services documents the complaint and forwards it to the CCD through their supervisor.
23. The supervisor receiving a complaint makes reasonable attempts to resolve it as soon as it is received. If able to resolve the complaint, the supervisor documents the complaint and forwards the complaint and the documentation of its resolution to the CCD.
24. When the supervisor is unable to resolve the complaint, they take the complainant

ERROR: limitcheck
OFFENDING COMMAND: cshow

STACK:

```
(nt s c)
{--pop-- --pop-- ct str1 --exch-- 0 --exch-- --put-- ct str1 --show-- {
_ct_na _ct_i --get-- }--stopped-- {--pop-- --pop-- }{_ct_x _ct_y --
moveto-- 0 --rmoveto-- }--ifelse-- / ct i ct i 1 --add-- --def-- --
currentpoint-- /_ct_y --exch-- --def-- /_ct_x --exch-- --def-- }
```

Title Public Complaints Process	Number 3010
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Responsibility Executive Director, Public Accountability	Last Revised Effective Date Not Applicable

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 - 14.1. there is a formal complaint process that can be accessed by providing a written complaint;
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15. If the complainant wishes to make a formal written complaint, the supervisor advises the complainant to include as much detail as possible in their written complaint and to direct their complaint to the CCD.

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 - 16.3. informally resolved with the consent of the complainant and the IIO employee, either through contact by the CCD or designate or through formal mediation;
 - 16.4. dismissed as frivolous, vexatious, made in bad faith or not warranting further investigation. The CCD takes no further action.
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 - 17.2. ensures a written acknowledgement has been sent to the complainant within five days of receipt of the complaint by the CCD;
 - 17.3. provides notice to the subject employee, unless such notice would negatively impact the integrity of the investigation;
 - 17.4. conducts the Standards of Conduct investigation;
 - 17.5. if, during the investigation, there are indications that the matter may be one that will involve disciplinary procedures, advises the CCD;

- 17.6. if during the investigation, it is determined that the matter may be concluded through informal resolution, advises the CCD;
 - 17.7. manages the complaints process for the course of the investigation;
 - 17.8. submits a report with recommendations to the CCD, as to the disposition of the complaint.
18. If a complaint is referred to the IIO supervisor of the subject employee, the supervisor makes reasonable efforts to resolve the complaint within 30 days. If the complaint is not resolved within 30 days, the supervisor provides a written report to the CCD outlining the reasons for the delay.
19. At the conclusion of any investigation of allegations against an employee, an investigation report is prepared and submitted to the CCD. The CCD may find as follows:
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 - 19.2. the complaint is unsubstantiated;
 - 19.3. the complaint is substantiated:
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23. The supervisor receiving a complaint makes reasonable attempts to resolve it as soon as it is received. If able to resolve the complaint, the supervisor documents the complaint and forwards the complaint and the documentation of its resolution to the CCD.
24. When the supervisor is unable to resolve the complaint, they take the complainant's contact information and a summary of the complaint; document any steps taken to resolve the complaint and forward the matter to the CCD.
25. The CCD or designate:
- 25.1. ensures that a letter of acknowledgement is forwarded to the complainant;
 - 25.2. makes contact with the complainant to ascertain the exact nature of the complaint and, where appropriate, attempts to resolve the complaint.
26. The CCD or designate reviews the complaint and where appropriate, forwards any policy matters to the Policy Analyst to make changes as per the IIO policy development process.

PROCEDURES

POLICY

Approved by: Signature on Original
Richard Rosenthal, Chief Civilian Director

Date Approved: July 2, 2013

PROCEDURES

Approved by: Signature on Original
Kellie Kilpatrick, Executive Director, Public Accountability

Date Approved: July 2, 2013

APPENDIX A

Complaint Information Questions:

1. Name and contact information for the complainant.
2. The name of the IIO employee(s) subject of the complaint.
3. The date, time and location where the complaint was received.
4. The date, time and location of the incident involving the complaint.
5. A summary of the details of the complaint.
6. Where applicable, the manner in which the verbal complaint has been resolved informally to the complain action.

Pages 124 through 133 redacted for the following reasons:

s.13, s.14

s.13, s.14, s.22

s.14

Dayman, Marlene JAG:EX

From: Thompson, Angella N JAG:EX
Sent: Wednesday, January 7, 2015 9:53 AM
To: King, Kim J M JAG:EX; Green, Greg JAG:EX
Subject: FW: s.22 - IIO - 506660

Redirecting to your side.

From: Anderson, Marika L JAG:EX
Sent: Wednesday, January 7, 2015 9:49 AM
To: Thompson, Angella N JAG:EX
Subject: FW: s.22 - IIO - 506660

This is not PSD, should be AG side.

From: Minister, JAG JAG:EX
Sent: Tuesday, January 6, 2015 11:49 AM
To: Thompson, Angella N JAG:EX
Subject: FW: s.22 - IIO

From: Langlands, Kevin J JAG:EX
Sent: Tuesday, January 6, 2015 11:33 AM
To: Minister, JAG JAG:EX
Subject: RE: s.22 - IIO

AAA

From: Minister, JAG JAG:EX
Sent: Tuesday, January 6, 2015 11:15 AM
To: Langlands, Kevin J JAG:EX
Subject: FW: s.22 - IIO

Hi Kevin,

Action please – many thanks,

Candice

From: Anton.MLA, Suzanne [<mailto:Suzanne.Anton.MLA@leg.bc.ca>]
Sent: Tuesday, January 6, 2015 10:30 AM
To: Minister, JAG JAG:EX
Subject: FW: s.22 - IIO

Yulin Shih

Constituency Assistant to

Hon Suzanne Anton Q.C.
MLA Vancouver-Fraserview
Office: (604) 660-2035 | Direct (604) 660-2228

From: s.22
Sent: January 6, 2015 10:29 AM
To: premier@gov.bc.ca; Anton.MLA, Suzanne
Cc: s.22 Farnworth.MLA, Mike
Subject: s.22 - IIO

Myself and another former IIO employee, s.22 have lodged s.22
s.22 We have yet to receive a response to our complaints. The
timeline for our complaints is as follows:

May 14, 2014 Letter sent to Stan Lowe, Office of Police Complaint Commissioner (OPCC), outlining our complaints and requesting an investigation be conducted.

June 26, 2014 Letter received from Lowe stating the OPCC has no jurisdiction to investigate the IIO and recommended we forward our complaints to the Deputy Attorney General

June 27, 2014 Letter sent to DAG, Richard Fyfe outlining our complaints

July 29, 2014 Labour consultant, Tony Belcher commences an investigation in to our complaints at the request of Fyfe (A separate investigation was conducted by lawyer Mark Jette relating to some of the issues raised by s.22

Oct. 17, 2014 An email was sent to Fyfe requesting a response to our complaints

Oct. 24, 2014 A second email was sent to Fyfe requesting a response

Oct. 27, 2014 An email was received from Fyfe stating that a response would be coming in "due course"

Dec. 13, 2014 A third request was sent to Fyfe requesting a response as the "due course" period was taking far too long. (By this point, we had contacted NDP Justice critic, Mr. Mike Farnworth to assist us in getting some sort of reply from Fyfe)

Dec. 16, 2014 Mr. Farnworth's office received a reply from the Ministry that the response from the DAG was now in "draft form" and we would be receiving a response shortly.

Madam Premier, something is very wrong here. We have raised some serious concerns and it would appear the the DAG and his staff are doing their utmost to suppress the issue. I can only speculate as to why they are doing this. I hope that you are not waiting for the final report to come from the Legislative Committee that was looking in to the operations of the IIO. Despite being given mounds of evidence of s.22 they treated him with kid gloves and did not ask him any relevant questions when he last appeared before them. The ongoing media scrutiny should tell you that the public is starting to take notice that the IIO is an incompetent and dysfunctional organization. Not to mention that 18 employees have now left the organization since its inception. Of these 18, quite a few have left with no other jobs to go to, or have taken significant pay cuts. s.22 these are not people who had chosen the wrong line of work. These are people who quite frankly had enough of s.22 Of the remaining original staff, a conservative estimate would be that 80% are actively looking for employment elsewhere.

I am imploring you to intervene and get to the bottom of this mess. A response to our complaints would be a good start.

Thank you

s.22

From:
Sent: Saturday, December 13, 2014 12:05 PM
To: Fyfe, Richard J JAG:EX
Cc: s.22 Farnworth.MLA, Mike LASS:EX
Subject: Re: s.22

I don't know what "due course" means in government speak but this is getting ridiculous. My understanding is you have had Mr. Belcher' report in excess of six weeks. Certainly you have had more than enough time for a review. I have no intentions of dropping this matter so I am again asking you for a response.

s.22

Sent from my iPad

On Oct 27, 2014, at 1:54 PM, Fyfe, Richard J JAG:EX <Richard.Fyfe@gov.bc.ca> wrote:

Receipt acknowledged. A response will be sent to you in due course.

Richard J.M. Fyfe QC
Deputy Attorney General
Ministry of Justice and Attorney General

Phone: (250) 356-0149
Fax: (250) 387-6224

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From: s.22
Sent: Friday, October 17, 2014 1:49 PM
To: Fyfe, Richard J JAG:EX
Subject: s.22

Mr. Fyfe:

Can you please advise me on the status of the investigation in to my complaint against Richard Rosenthal of the IIO?

Thank you

s.22

Pages 138 through 139 redacted for the following reasons:

s.22

s.3

Dayman, Marlene JAG:EX

Subject: FW: Belcher Report / Your File No. 5361-001
Attachments: LT Bain Dec 3, 2014 re Nov 14 letter & email.pdf

From: Butler, Richard JAG:EX
Sent: Wednesday, December 3, 2014 12:03 PM
To: Fyfe, Richard J JAG:EX; Richter, Connie JAG:EX
Subject: FW: Belcher Report / Your File No. 5361-001

From: Kent, Jennifer JAG:EX
Sent: Wednesday, December 3, 2014 11:58 AM
To: 'mbain@hhbg.ca'
Cc: Butler, Richard JAG:EX; Reed, Corinne JAG:EX
Subject: Belcher Report / Your File No. 5361-001

Dear Mr. Bain,

Please see the attached correspondence of today's date from Mr. Butler.

Yours truly,

Jennifer Kent

Legal Secretary to Bryant Mackey & Karrie Wolfe
Constitutional & Administrative Law Group
Ministry of Justice | Legal Services Branch
PO Box 9280 Stn Prov Govt, Victoria, BC V8W 9J7
Jennifer.Kent@gov.bc.ca | T: (250) 387-0710 | F: (250) 356-9154

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Pages 141 through 149 redacted for the following reasons:

s.13, s.14

s.14, s.22

s.22

From: s.22
Sent: Tuesday, November 4, 2014 8:46 AM
To: Fyfe, Richard J JAG:EX
Subject: s.22
Attachments: Letter to FYFE 2014-11-03.docx

Dear Sir,

Please see attached.

Thank you

s.22

Pages 151 through 152 redacted for the following reasons:

s.22

Richter, Connie JAG:EX

Subject: FW: IMPORTANT: s.22
Attachments: Letter to FYFE 2014-11-03.docx
Importance: High

From: s.22
Sent: Tuesday, November 4, 2014 8:46 AM
To: Fyfe, Richard J JAG:EX
Subject: s.22

Dear Sir,

Please see attached.

Thank you

s.22

Pages 154 through 156 redacted for the following reasons:

s.14, s.22

s.22

Dayman, Marlene JAG:EX

Subject: FW: s.22
Attachments: Letter to Richard Fyfe July 23, 2014.docx

From: s.22
Sent: Wednesday, July 23, 2014 10:05 PM
To: Fyfe, Richard J JAG:EX
Subject: s.22

Dear Sir,

Attached is in response to your letter of July 18, 2014.

Sincerely

s.22

Pages 158 through 165 redacted for the following reasons:

s.14, s.22

s.22

Dayman, Marlene JAG:EX

Subject: FW: s.22
Attachments: Letter to Mr Fyfe.docx; ATT00001.htm; Letter from Mr Lowe.jpg; ATT00002.htm;
Termination Letter.jpg; ATT00003.htm

From: s.22
To: "Fyfe, Richard J JAG:EX" <Richard.Fyfe@gov.bc.ca>
Subject: s.22

Dear Sir,

Attached please find my response to your correspondence of 2014-06-13.

Thank you for your attention to this matter.

Sincerely,

s.22

Pages 167 through 169 redacted for the following reasons:

s.22

s.3

Dayman, Marlene JAG:EX

From: Minister, JAG JAG:EX
Sent: Friday, July 4, 2014 10:12 AM
To: King, Kim J M JAG:EX
Subject: FW: IIO

From: Tennant, Laura JAG:EX
Sent: Thursday, July 3, 2014 10:32 AM
To: Minister, JAG JAG:EX
Subject: FW: IIO

Hi Candice, file for information please. Thanks

From: Minister, JAG JAG:EX
Sent: Wednesday, July 2, 2014 3:34 PM
To: Tennant, Laura JAG:EX
Subject: FW: IIO

Hi Laura,

Action please – many thanks,

Candice

From: s.22
Sent: Tuesday, July 1, 2014 3:24 PM
To: Minister, JAG JAG:EX
Subject: IIO

Dear Honorable Suzanne Anton,

I am responding to an article in the "Province News" dated June 17, 2014, titled *Independent Investigations Office of BC*. I remained quiet hoping to see a follow up, I either missed it or there has been no follow up to date.

I sincerely hope what I say remains in confidence as they are my opinions and my respectful recommendations.

s.22

Pages 172 through 181 redacted for the following reasons:

s.22

s.3

s.3

Dayman, Marlene JAG:EX

Subject: FW: Response to Complaint of s.22 (409844)
Attachments: Response to Complaint of Former IIO s.22 s.22 - June 20 2014.pdf;
ATT00001.htm; CCD Findings Memo Re OPCC Investigation - Feb 11 2014.pdf;
ATT00002.htm; CCD Email Requesting OPCC Investigation.pdf; ATT00003.htm; (3010)
Public Complaints (July 2, 2013).pdf; ATT00004.htm

Begin forwarded message:

s.22

s.14 s.22

Pages 183 through 198 redacted for the following reasons:

s.22

s.3

s.3

- 1) January 20, 2014 Memo from s.22 (6 pages)
- 2) IIO Org Chart (1 page)
- 3) IIO Office Layout Indicating Locations of EDI & Team 1 offices/cubicles (1 page)
- 4) IIO Contact List (1 page)
- 5) Privacy Breach Letter to s.22 including email from s.22 & print out of document "properties" (4 pages)
- 6) Rosenthal Log Jan 9-21, 2014 (2 pages)
- 7) Email from s.22 dated Jan 10, 2014 (1 page)
- 8) s.22 notes regarding Jan 10 conversation with s.22 & Introductory Email (5 pages)
- 9) Emails between s.22 (Jan 9-17, 2014) (Including email to "All Staff" entitled "Privacy breach" (6 pages)
- 10) Print out from computer of s.22 indicating "Job Offer" document opened from his computer (4 pages)
- 11) Print outs from all Team 1 member computers s.22 - 4 pages; s.22 - 5 pages; 48 pages; s.22 - 3 pages; s.22 - 24 pages; s.22 - 15 pages; s.22 -- 18 pages)
- 12) PSA Print Out Showing applicants for Team Director position (1 page)
- 13) IIO Standards of Conduct policy, effective July 2, 2013 (2 pages)
- 14) Email & Mission, Vision, Values, dated January 20, 2014 (2 pages)

Pages 200 through 289 redacted for the following reasons:

s.13, s.14, s.22

s.22

Butler, Richard JAG:EX

To: Butler, Richard JAG:EX
Subject: FW: s.22

From: Deitch, James JAG:EX
Sent: Tuesday, January 6, 2015 11:59 AM
To: Butler, Richard JAG:EX
Subject: FW: s.22

Here is message.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

www.criminaljusticereform.gov.bc.ca
<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109
Fax: 250.356.6552
Cell: 250.580.5612

Please consider the environment before printing this e-mail

From: Schollen, Tasha GCPE:EX
Sent: Tuesday, January 6, 2015 11:34 AM
To: Deitch, James JAG:EX
Subject: FW: s.22

From: Minister, JAG JAG:EX
Sent: Tuesday, January 6, 2015 11:15 AM
To: Langlands, Kevin J JAG:EX
Subject: FW: s.22

Hi Kevin,

Action please – many thanks,

Candice

From: Anton.MLA, Suzanne [mailto:Suzanne.Anton.MLA@leg.bc.ca]
Sent: Tuesday, January 6, 2015 10:30 AM
To: Minister, JAG JAG:EX
Subject: FW:

s.22

Yulin Shih

Constituency Assistant to
Hon Suzanne Anton Q.C.
MLA Vancouver-Fraserview
Office: (604) 660-2035 | Direct (604) 660-2228

From: s.22
Sent: January 6, 2015 10:29 AM
To: premier@gov.bc.ca; Anton.MLA, Suzanne
Cc: s.22 Farnworth.MLA, Mike
Subject: s.22

Myself and another former IIO employee, s.22 have lodged formal complaints of against
s.22 . We have yet to receive a response to our complaints. The
timeline for our complaints is as follows:

May 14, 2014 Letter sent to Stan Lowe, Office of Police Complaint Commissioner (OPCC), outlining our complaints and requesting an investigation be conducted.

June 26, 2014 Letter received from Lowe stating the OPCC has no jurisdiction to investigate the IIO and recommended we forward our complaints to the Deputy Attorney General

June 27, 2014 Letter sent to DAG, Richard Fyfe outlining our complaints. Fyfe is Deputy Minister of the Ministry in which IIO employees are placed. He is also the deputy minister who, together with the head of the Public Service Agency, s.13

s.13

July 29, 2014 Labour consultant, Tony Belcher commences an investigation in to our complaints at the request of Fyfe (A separate investigation was conducted by lawyer Mark Jette relating to some of the issues raised by

s.22 Mr. Belcher was engaged by Fyfe to conduct an informal review.

s.13

s.13

Oct. 17, 2014 An email was sent to Fyfe requesting a response to our complaints

Oct. 24, 2014 A second email was sent to Fyfe requesting a response

Oct. 27, 2014 An email was received from Fyfe stating that a response would be coming in "due course"

s.22

Dec. 13, 2014 A third request was sent to Fyfe requesting a response as the "due course" period was taking far too long. (By this point, we had contacted NDP Justice critic, Mr. Mike Farnworth to assist us in getting some sort of reply from Fyfe)

s.13

s.22

s.13, s.22

s.22

Dec. 16, 2014 Mr. Farnworth's office received a reply from the Ministry that ^(now) the response from the DAG was now in "draft form" and we would be receiving a response shortly.

s.13

s.22

s.13

Madam Premier, something is very wrong here. We have raised some serious concerns and it would appear the the DAG and his staff are doing their utmost to suppress the issue. I can only speculate as to why they are doing this. I hope that you are not waiting for the final report to come from the Legislative Committee that was looking in to the operations of the IIO. Despite being given mounds of evidence of ^{s.22} they treated him with kid gloves and did not ask him any relevant questions when he last appeared before them. The ongoing media scrutiny should tell you that the public is starting to take notice that the IIO is an incompetent and dysfunctional organization. Not to mention that 18 employees have now left the organization since its inception. Of these 18, quite a few have left with no other jobs to go to, or have taken significant pay cuts.

^{s.22} these are not people who had chosen the wrong line of work. These are people who quite frankly had enough of ^{s.22} Of the remaining original staff, a conservative estimate would be that 80% are actively looking for employment elsewhere. The delay in responding to ^{s.22} has nothing to do with the special committee of the Legislature.

I am imploring you to intervene and get to the bottom of this mess. A response to our complaints would be a good start

s.13

Thank you

s.22

s.13, s.22

s.13, s.22

Pages 293 through 373 redacted for the following reasons:

s.22

s.13, s.14, s.22

s.13, s.14, s.22

s.14

s.14, s.22

s.22

s.14, s.22

s.22

s.22

Pages 376 through 441 redacted for the following reasons:

s.22

S.14, S.22

s.13, s.14, s.22

s.14

s.14, s.22

s.14, s.22

s.22

s.22

s.14, s.22

s.22

Pages 443 through 481 redacted for the following reasons:

S.22

s.14, s.22

s.22

s.13, s.14,s.22

s.14, s.22

s.22

s.22

Schultz, Janis JAG:EX

From: Deitch, James JAG:EX
Sent: Monday, July 14, 2014 11:39 PM
To: Schultz, Janis JAG:EX
Subject: FW: s.22 Correspondence Review

Janis:

Please print e-mail for my 3 PM meeting Tuesday.

Thanks, Jamie

From: Richardson, Craig S JAG:EX
Sent: Monday, July 14, 2014 4:58 PM
To: Deitch, James JAG:EX
Subject: RE: s.22 Correspondence Review

Hi Jamie, I need the total amount of the contract and the start and end dates?

From: Deitch, James JAG:EX
Sent: Monday, July 14, 2014 4:21 PM
To: Richardson, Craig S JAG:EX
Cc: Chalke, Jav JAG:EX
Subject: FW: s.22 Correspondence Review

Craig:

Could you prepare a GSA for the named entity and I will provide you with a Schedule A to finalize once the DAG has approved the terms?

Jay:

I assume the hourly rate is fine here. Also I assume that Craig will JV the IIO for this expenditure so once the DAG approves Craig can connect with Barb Kaiway to advise.

Thanks.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

www.criminaljusticereform.gov.bc.ca
<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109
Fax: 250.356.6552
Cell: 250.580.5612

Pages 483 through 484 redacted for the following reasons:

s.14, s.22

WE JULY 23
(who is drafting?)

JSB-CJLAPD

Referral Slip

Fri, Jul 11, 2014 9:37 AM

Action: DAG Draft Reply	Due: 2014/07/24 [-9]	Log ID: 410043
--------------------------------	-----------------------------	-----------------------

s.22	Type:	Letter	Written:	2014/06/27	
	Office:	AG-DAG	Received:	2014/07/04	
	Entered By:	kking	Interim Rsp:		
	Sign By:		Sent/Signed:		
	Batch:		Closed:		
	File No.:	10120-20/IIO			
	<input type="checkbox"/> Confidential	<input type="checkbox"/> Frequent Writer	<input type="checkbox"/> Elected Official		
	Phone:	s.22	Fax:		Email:

Addressed To: DAG

Drafter:

Issue:

MLA: Hogg, Gordon (BC Liberal)

X-Ref: 407378 s.22 409372, 410014

Elect Dist: Surrey-White Rock

Other Info: RUSH AT DAG'S REQUEST

Copied to:

s.22

Referrals

From: AG-DAG	Sent: 2014/07/04	Rcvd:	Status: BF July 14
To: AG-DAG	Due: 2014/07/24	Active: <1 day	State: Pending
Action: DAG Draft Reply	Cmpltd:		
To Notes:: 2014/07/04 kking (AG-DAG) Rec'd and forwarded with copy of previous from writer's review s.22 to DAG for his			

2014/07/07 kking (AG-DAG) DAG has seen - JL referred to JSB via CCU for RUSH DAG draft response. BF'd for Jul 14.

From: AG-DAG	Sent: 2014/07/07	Rcvd:	Status: JSB-RUSH
To: CCU-Corp.Cor.Unit	Due: 2014/07/24	Active: <1 day	State: Pending
Action: DAG Draft Reply	Cmpltd:		
To Notes:: 2014/07/07 grgreen (CCU-Corp.Cor.Unit) Janet Labh has hardcopy. 2014/07/08 kking (CCU-Corp.Cor.Unit) Copy BF'd in CCU JSB file			

From: CCU-Corp.Cor.Unit	Sent: 2014/07/07	Rcvd: 2014/07/07	Status: CJLAPD
To: JSB - Just. Services	Due: 2014/07/21	Active: <1 day	State: Pending
Action: CCU to Branch DAG Draft Reply	Cmpltd:		
From Notes:: 2014/07/07T11:38 Email notification for JSB - Just. Services to Tiny.Vermaning@gov.bc.ca			

From: JSB - Just. Services	Sent: 2014/07/07	Rcvd:	Status: Anita review
To: JSB-CJLAPD	Due: 2014/07/24	Active: 4 days	State: Active
Action: DAG Draft Reply	Cmpltd:		
From Notes:: 2014/07/07T11:52 Email notification for JSB-CJLAPD to Cindy.Wallbank@gov.bc.ca; cc:Janis.Schultz@gov.bc.ca; bcc:Tiny.Vermaning@gov.bc.ca			
To Notes:: 2014/07/11 cwallban (JSB-CJLAPD) given to Anita for review			

Pages 486 through 495 redacted for the following reasons:

s.22

s.3

s.22

s.22

s.3

Schultz, Janis JAG:EX

From: Deitch, James JAG:EX
Sent: Wednesday, July 2, 2014 11:36 PM
To: Schultz, Janis JAG:EX
Subject: FW: RUSH DAG Draft Email (410014- s.22
Attachments: Letter to Mr Fyfe.docx; ATT00001.htm; Letter from Mr Lowe.jpg; ATT00002.htm; Termination Letter.jpg; ATT00003.htm

Janis:

Please print attachments for my review. I will take care of drafting response for the DAG.

Thanks, Jamie

From: Chalke, Jay JAG:EX
Sent: Wednesday, July 2, 2014 7:55 PM
To: Deitch, James JAG:EX
Subject: Fwd: RUSH DAG Draft Email (410014- s.22

FYI.

Begin forwarded message:

From: "King, Kim J M JAG:EX" <Kim.King@gov.bc.ca>
To: "Vermaning, Tiny JAG:EX" <Tiny.Vermaning@gov.bc.ca>, "Philippides, Edna M JAG:EX" <Edna.Philippides@gov.bc.ca>, "Chalke, Jay JAG:EX" <Jay.Chalke@gov.bc.ca>
Cc: "Labh, Janet JAG:EX" <Janet.Labh@gov.bc.ca>
Subject: RUSH DAG Draft Email (410014- s.22


Good afternoon,

Attached is a response from s.22 further to 409372, for **RUSH DAG draft response by Monday, July 14**. FYI, also related to this letter is the recent letter from Richard Rosenthal under log 409844.

Thank you.
Kim

Many thanks,

Kim Jung Mee King | Correspondence Coordinator | CCU
and Program Assistant | Office of the Deputy Attorney General
Phone: 250-356-0149 | Fax: 250-387-6224

 Please consider the environment before printing.

From: s.22 >
To: "Fyfe, Richard J JAG:EX" <Richard.Fyfe@gov.bc.ca>
Subject: s.22

Dear Sir,

Attached please find my response to your correspondence of 2014-06-13.

Thank you for your attention to this matter.

Sincerely,

s.22

Pages 498 through 505 redacted for the following reasons:

s.13, s.22

s.14

s.14, s.22

s.22

s.3

Introduction

This document provides a summary of themes collected by the Independent Investigations Office (IIO) SWOT data collection initiative initiated in August 2013. This initiative was conducted as the initial step in developing an overall strategic plan for the IIO that would include the creation of vision, mission and goals statements, a succession management plan and an employee engagement plan.

The SWOT tool collects data specific to the following elements:

1. **Strengths:** The characteristics of the IIO that give it a significant advantage;
2. **Weaknesses:** The characteristics of the IIO that give it a significant disadvantage;
3. **Opportunities:** The factors occurring outside the IIO that the office could use to its advantage; and
4. **Threats:** The factors occurring outside the IIO that could potentially cause trouble or difficulties for the office.

When combined, these four discrete elements can be combined to provide a comprehensive picture of the IIO that can be used as a basis for strategic planning.

Methodology

The IIO SWOT was a population-based online survey. All employees in the IIO had equal opportunity to respond to the survey and therefore no form of sampling was used or implemented. Data collected by the online survey tool was captured in a standard ASC encoded database and is imported to Microsoft Excel for analysis.

Once collected, all data was themed against each of the four variables being examined (*strengths, weaknesses, opportunities* and *threats*). Each theme identified is a 'cluster' of similar data points from different sources, however, in order to be included in the SWOT summary; each theme must be identified independently by a minimum of two separate respondents. This multi-source triangulation is necessary to increase the validity of the analysis, but inevitably leads to some data loss, since issues not identified by multiple independent sources are discarded from further consideration, regardless of how important or poignant the issue may seem to be. **Data loss in this research document due to triangulation failure is estimated to be approximately 10%.** This level of data loss is considered normal, or even slightly lower than normal, for qualitative data collection exercises of this nature. Each theme stands on its own, and is considered equal in nature to any other theme. While a greater or lesser number of respondents may have identified a single theme, or aspects of a single theme, no attempt has been made to sort or categorize themes based on the number of respondents who may have referenced that theme in their response to the survey. So long as a theme was referenced by two or more respondents, it has been included in the data summary.

There were a total of 30 responses to the survey, collected from a total population of 50 potential respondents. This gives the survey a 60.00% response rate.

It should also be noted that the choice of name for each theme, and its associated description, may seem provocative to the reader. However the names for each theme are deliberately created based on the language used among individual respondent submissions.

Pages 507 through 589 redacted for the following reasons:

s.13

s.14, s.22

s.14, s.22

s.22

s.3

s.3

- 1) January 20, 2014 Memo from s.22 (6 pages)
- 2) IIO Org Chart (1 page)
- 3) IIO Office Layout Indicating Locations of s.22 offices/cubicles (1 page)
- 4) IIO Contact List (1 page)
- 5) Privacy Breach Letter to s.22 including email from s.22 & print out of document "properties" (4 pages)
- 6) Rosenthal Log Jan 9-21, 2014 (2 pages)
- 7) Email from s.22 dated Jan 10, 2014 (1 page)
- 8) s.22 notes regarding Jan 10 conversation with s.22 & Introductory Email (5 pages)
- 9) Emails between s.22 (Jan 9-17, 2014) (Including email to "All Staff" entitled "Privacy breach" (6 pages)
- 10) Print out from computer of s.22 indicating "Job Offer" document opened from his computer (4 pages)
- 11) Print outs from all Team 1 member computers s.22 - 4 pages s.22 - 5 pages; s.22 48 pages s.22 - 3 pages; s.22 - 24 pages; s.22 15 pages; s.22 - 18 pages)
- 12) PSA Print Out Showing applicants for Team Director position (1 page)
- 13) IIO Standards of Conduct policy, effective July 2, 2013 (2 pages)
- 14) Email & Mission, Vision, Values, dated January 20, 2014 (2 pages)

Title Public Complaints Process	Number 3010
Section Public Accountability	Original Effective Date July 2, 2013
Responsibility Executive Director, Public Accountability	Last Revised Effective Date Not Applicable

POLICY

1. The Independent Investigations Office (IIO) ensures that the public and employees have full and complete access to the complaints process.
2. The IIO makes efforts to resolve complaints at the front line level as they arise.
3. The IIO reviews and acts upon any complaint, anonymous, written or verbal, that indicates possible misconduct by an IIO employee.
4. The IIO acknowledges all complaints in writing to the complainant, if known, and notifies all complainants in writing of the disposition of the complaint.
5. The IIO does not address complaints arising from dissatisfaction with the outcome of an IIO investigation through this complaints process.
6. The Chief Civilian Director (CCD) reviews all complaints as soon as possible.
7. IIO employees are notified in writing that a complaint has been made and provided, if appropriate, details regarding the complaint.
8. The IIO refers all criminal complaints against an IIO investigator to the Office of the Police Complaint Commissioner (OPCC) for investigation. The CCD confers with the BC Public Service Agency regarding the handling of any such complaints.
9. Complaints against non investigative or included employees are dealt with according to this policy and where applicable, the Collective Agreement and BC Public Service Agency human resources policy.

PROCEDURES

10. Anyone may initiate a complaint with the IIO by:
 - 10.1. speaking with an IIO employee
 - 10.2. telephoning the IIO office
 - 10.3. sending in a written complaint to any employee of the IIO, including the CCD.
11. If any IIO employee receives a complaint, anonymous, written or verbal, that indicates misconduct by an IIO investigator or other staff, the employee documents the complaint and forwards it to the CCD.
12. When an IIO employee receives a complaint, the employee advises the CCD of the complaint through their supervisor.
13. The supervisor tries to resolve minor complaints informally. The supervisor ensures that questions related to the complaint are answered (Appendix A) and forwards the information to the CCD through their supervisor where appropriate. The CCD documents any resolution reached.
14. The responsible supervisor advises the complainant that:
 - 14.1. there is a formal complaint process that can be accessed by providing a written complaint;
 - 14.2. all complaints are documented and sent to the CCD.
15. If the complainant wishes to make a formal written complaint, the supervisor advises the complainant to include as much detail as possible in their written complaint and to direct their complaint to the CCD.

Complaints about IIO investigative employees

16. When an IIO supervisor receives a complaint about an IIO employee, it will be forwarded to the CCD. The CCD or designate reviews the complaint and determines whether to investigate and the method of investigation. Complaints may be:
 - 16.1. forwarded to the OPCC for investigation of IIO investigator misconduct;
 - 16.2. directed to the Executive Director, Investigations (EDI) for a Standards of Conduct investigation;
 - 16.3. informally resolved with the consent of the complainant and the IIO employee, either through contact by the CCD or designate or through formal mediation;
 - 16.4. dismissed as frivolous, vexatious, made in bad faith or not warranting further investigation. The CCD takes no further action.
17. The CCD may designate another IIO employee, in a position senior to the employee under investigation, to carry out an investigation of the complaint. The CCD or designate:
 - 17.1. brings complaints to closure that have been directed for summary dismissal as frivolous, vexatious, made in bad faith or not warranting investigation;
 - 17.2. ensures a written acknowledgement has been sent to the complainant within five days of receipt of the complaint by the CCD;
 - 17.3. provides notice to the subject employee, unless such notice would negatively impact the integrity of the investigation;
 - 17.4. conducts the Standards of Conduct investigation;
 - 17.5. if, during the investigation, there are indications that the matter may be one that will involve disciplinary procedures, advises the CCD;

- 17.6. if during the investigation, it is determined that the matter may be concluded through informal resolution, advises the CCD;
 - 17.7. manages the complaints process for the course of the investigation;
 - 17.8. submits a report with recommendations to the CCD, as to the disposition of the complaint.
18. If a complaint is referred to the IIO supervisor of the subject employee, the supervisor makes reasonable efforts to resolve the complaint within 30 days. If the complaint is not resolved within 30 days, the supervisor provides a written report to the CCD outlining the reasons for the delay.
19. At the conclusion of any investigation of allegations against an employee, an investigation report is prepared and submitted to the CCD. The CCD may find as follows:
- 19.1. the complaint is summarily dismissed;
 - 19.2. the complaint is unsubstantiated;
 - 19.3. the complaint is substantiated:
20. Where the findings indicate that the behaviour of the employee violates IIO policy, procedure or written directives, the CCD considers possible outcomes, first giving the subject employee the opportunity to be heard. The outcomes may include disciplinary action up to and including termination, carried out in consultation with BC Public Service Agency.
21. The CCD responds to the complainant in writing regarding the disposition of the complaint with a copy to the subject employee.

Complaints about IIO policy or services

22. An IIO employee receiving a complaint about IIO policy or services documents the complaint and forwards it to the CCD through their supervisor.
23. The supervisor receiving a complaint makes reasonable attempts to resolve it as soon as it is received. If able to resolve the complaint, the supervisor documents the complaint and forwards the complaint and the documentation of its resolution to the CCD.
24. When the supervisor is unable to resolve the complaint, they take the complainant's contact information and a summary of the complaint; document any steps taken to resolve the complaint and forward the matter to the CCD.
25. The CCD or designate:
- 25.1. ensures that a letter of acknowledgement is forwarded to the complainant;
 - 25.2. makes contact with the complainant to ascertain the exact nature of the complaint and, where appropriate, attempts to resolve the complaint.
26. The CCD or designate reviews the complaint and where appropriate, forwards any policy matters to the Policy Analyst to make changes as per the IIO policy development process.

PROCEDURES

POLICY

Approved by: Signature on Original
Richard Rosenthal, Chief Civilian Director

Date Approved: July 2, 2013

PROCEDURES

Approved by: Signature on Original
Kellie Kilpatrick, Executive Director, Public Accountability

Date Approved: July 2, 2013

APPENDIX A

Complaint Information Questions:

1. Name and contact information for the complainant.
2. The name of the IIO employee(s) subject of the complaint.
3. The date, time and location where the complaint was received.
4. The date, time and location of the incident involving the complaint.
5. A summary of the details of the complaint.
6. Where applicable, the manner in which the verbal complaint has been resolved informally to the complain action.

Pages 596 through 597 redacted for the following reasons:

s.13, s.14, s.22

s.14

LETTER OF EXPECTATIONS FOR THE CHIEF CIVILIAN DIRECTOR OF THE INDEPENDENT INVESTIGATIONS OFFICE

This letter outlines the expectations of the Attorney General with respect to the Independent Investigations Office.

Part 7.1 of the *Police Act* provides for the Independent Investigations Office's ("IIO") operational mandate for investigations into incidents involving police. That is: that the IIO, under the direction of the Chief Civilian Director ("CCD") is solely and independently responsible for investigations where it appears a person may have died or suffered serious harm as the result of the actions of an officer; or where it appears that an officer may have committed a prescribed offence. The legislation also makes it clear that it is the CCD that is responsible for oversight of these investigations and that only the CCD may exercise the powers given under the *Police Act* (or any other Act) with respect to this mandate.

In addition to the operational mandate, the statute requires the CCD to manage, administer and operate the IIO and to oversee the investigations that the IIO is required to conduct [38.04].

Part of the management, administration and operational function of the IIO is linked to the provisions of the *Police Act* that establish the IIO within the Ministry of Attorney General [38.02]. This means that the IIO is accountable to the Attorney General (and thereby the Deputy Attorney General). The Attorney General is, in turn, accountable to the Legislative Assembly with respect to the compliance of the IIO with respect to government-wide requirements relating to Cabinet direction and financial management.

In combination, these provisions mean that the IIO is considered to be part of regular government operations, thereby invoking certain government-wide requirements to which the IIO must adhere. The CCD responsible for the IIO must also ensure these requirements are met as part of the management, administration, and operation of the office. This letter outlines the government-wide requirements that the CCD and the IIO will be responsible for meeting.

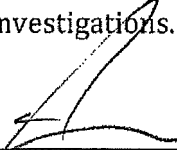
1. Communications, Policy Development and Information Sharing:

- a. The CCD will advise the Deputy Attorney General of issues or events that he reasonably expects will be of concern to the Ministry, to the extent that the reporting of those issues would not interfere with the ability of the IIO or the CCD to exercise its statutory obligations.
- b. The IIO will participate in consultations with the Ministry in relation to proposals to amend legislation or regulations that will have significant impact specific to the IIO.

- c. The IIO will advise the Deputy Attorney General if he identifies policy or legislative issues related to the IIO that, in his opinion, should be addressed by the Ministry.
 - d. The IIO will issue all communications relating to specific investigations and IIO operations.
 - e. The IIO will participate in consultations with the Ministry in relation to communications about government funding of the IIO.
 - f. Subject to the discretion of the CCD, and subject to legal constraints, the IIO will enter into information sharing agreements with other investigative agencies, such as but not limited to, the Coroner's Service, in order to facilitate and improve efficiency in parallel investigations.
 - g. The IIO will recommend policy to the Attorney General and seek policy advice from the Attorney General in relation to initiatives concerning IIO operations.
2. The IIO will maintain an open dialogue with police agencies, the public and communities in relation to the activities and operations of the IIO.
3. General Operational Expectations:
- a. The CCD will ensure that the IIO complies with the government's public reporting and accountability standards, including the *Financial Administration Act*, the *Budget Transparency and Accountability Act*, and the *Balanced Budget and Ministerial Accountability Act*.
 - b. The CCD will ensure that the IIO meets the requirements of all applicable financial management legislation and Cabinet and Treasury Board Directives.
 - c. The CCD will ensure IIO compliance with all applicable Ministry policies and procedures, including human resource, financial, and administrative policies.
 - d. The CCD will prepare materials necessary for estimates and budget allocation to be reviewed and approved by the Deputy Attorney General within timelines as directed by the Deputy Attorney General.
 - e. The CCD will support the Attorney General in reporting to the Legislature and Cabinet on the affairs of the IIO.

- f. The CCD will meet with the Deputy Attorney General to discuss matters of mutual concern, including reporting on the extent to which the IIO is meeting its mandate and policy or systemic issues raised in reports or elsewhere.
 - g. The CCD will submit the IIO Annual Report for the preceding fiscal year to the Deputy Attorney General no later than May 31 of each year. The Deputy Attorney General will review the report to ensure it meets all criteria specified in the Act. In addition to the legislated reporting requirements, the IIO Annual Report will include: a message from the CCD, a description of the IIO's structure, mandate, purpose and principles, a description of the investigative process, development of performance measure indicators, and basic budget information.
 - h. The CCD will not make the IIO Annual Report publicly available without receiving prior approval from the Attorney General.
 - i. If the CCD reasonably expects that the costs of the IIO will diverge from the estimates provided to the Ministry, the CCD will advise the Deputy Attorney General as soon as this divergence is forecasted, and will provide such information as the Deputy Attorney General requires in relation to the reason for the divergence and the measures being taken to mitigate the divergence.
- 4. In addition to the government-wide requirements that the CCD and the IIO must adhere to, it is expected that the CCD will meet his statutory obligations as set out in the *Police Act*. Examples of such obligations include carrying out investigations under Part 7.1 of the *Police Act*, hiring staff and investigators, making reports to Crown counsel, making annual reports, and complying with requests of the Special Committee of the Legislature, all of which must be done in accordance with the *Police Act*.
- 5. The CCD will ensure that the IIO implements a system of performance measures and reporting including creating goals with respect to timelines.
- 6. Administrative Expectations:
 - a. The CCD will work with the Executive Director of Criminal Justice and Legal Access Policy Division as the primary point of contact between the Ministry and the IIO for policy and legislative matters, and will inform the Executive Director of financial matters that are reasonably related to policy and legislation.

- b. The CCD will work with the Executive Director and Chief Financial Officer of the Corporate Management Services Branch as the primary point of contact between the Ministry and the IIO for financial reporting matters.
7. The CCD will, upon request, supply aggregate data or other aggregate information about IIO operations from time to time, such as the number and frequency of investigations, types of investigations, and outcomes of investigations. For greater certainty, this does not include information about any ongoing investigation or other information that would adversely impact the way in which the IIO conducts its investigations.




Richard J. M. Fyfe, Q.C.
Deputy Attorney General

MAR 07 2013

Date

Acknowledged by:



Richard Rosenthal
Chief Civilian Director
Independent Investigations Office

MAR 12, 2013

Date