

**MINISTRY OF ATTORNEY GENERAL AND  
MINISTRY RESPONSIBLE FOR HOUSING  
JUSTICE SERVICES BRANCH  
DECISION BRIEFING NOTE**

**PURPOSE:** For DECISION of Murray Rankin  
Acting Attorney General and  
Minister Responsible for Housing

**ISSUE:**  
Independent Investigations Office (IIO) 2021/2022 Annual Report

**DECISION REQUIRED/ RECOMMENDATION:**  
Approval of the IIO 2021/2022 Annual Report (Appendix A)

**SUMMARY:**

- The IIO is statutorily required to submit an annual report to the Attorney General (AG) each year for approval.
- Following the AG's approval, the IIO will make the annual report publicly available on its website.
- The 2021/2022 draft annual report outlines comparable data and similar trends to the previous year's report.
- Additional information in the "Message from the CCD" on page 3, includes a specific mention of staffing pressures that are related to the on-call nature of the work and the inability of the IIO to compensate investigators for overtime under the BC Public Service compensation model.

**BACKGROUND:**

- The Chief Civilian Director (CCD) of the IIO is accountable to the AG and functionally accountable to the Deputy Attorney General (DAG) through a Mandate Letter in order to maintain independence from policing matters that are the responsibility of the Deputy Solicitor General and the Director of Police Services.
- Section 38.12(c) of the *Police Act* requires the IIO to provide an annual report to the AG that includes: statistical information respecting the number, frequency, types, and outcomes of investigations and related trends.
- The CCD Mandate Letter sets out additional content requirements to be included in the IIO annual report, including basic budget information.

**DISCUSSION:**

2021/2022 Annual Report

- The 2021/2022 draft annual report summarizes the IIO's activities in the 10th fiscal year of its operation (see Appendix A).
- September 10, 2022 marks the 10th anniversary of the IIO's establishment in response to the recommendations of Justices Davies and Braidwood.

- The draft report notes that in the 2021/2022 fiscal year the IIO received 323 notifications of incidents that potentially involved serious harm or death (a slight decrease from 339 in the previous fiscal).
- Of the 323 notifications, the IIO commenced 193 investigations (a decrease from 232 in the previous fiscal) and 130 were marked as advice files as it was determined that the incidents did not meet the IIO's mandate to investigate.
- In 2021/22, the IIO concluded 94 investigations while 60 remained in the active investigative phase at fiscal year-end.
- Of the 94 concluded investigations:
  - 42 were closed with the release of a public report;
  - 40 were closed with the release of a media release; and
  - 12 referrals were made to Crown Counsel for consideration of charges.
- For a second year in a row, the number of IIO investigations per capita is highest in the North, however the North also saw the biggest year-over-year drop in overall investigations, from 10.9 per capita in 2020/21 to 6.48 per capita in 2021/22 (other regions remained relative stable).
- Average number of days to concluding an investigation, when corrected to March 31 of each year, show a steady increase over the past three years: 46 days in 2019/20; 57 days in 2020/21; 68 days in 2021/22.
- The increase in the average number of days to concluding an investigation is due to the combination of increasing workload and the IIO's limited ability to recruit and retain a full complement of investigators.
- The main contributing factor to workload pressure is the reduction in staff in the midst of continuing high number of investigations (i.e., the combination of open cases plus new investigations).
- Other notable references in the draft report include:
  - The IIO made significant progress towards appointing an Indigenous Civilian Monitor in partnership with the leadership of the Tla-o-qui-aht people in Opitsaht on Meares Island (that appointment has since been confirmed, in April 2022, as the first Indigenous Civilian Monitor).
  - The IIO is currently in the process of developing a new strategic outreach plan for the next three years, with priorities set for outreach to various groups, including: First Nations communities, social service providers, police agencies, and vulnerable communities.

#### **INDIGENOUS PEOPLES CONSIDERATIONS:**

- N/A

**OPTIONS:**

- **Option1 (RECOMMENDED)** - Approve the IIO 2021/2022 draft annual report
- **Option 2** - Approve the IIO 2021/2022 draft annual report subject to the AG's revision
- **Option 3** - Do not approve the IIO 2021/2022 draft annual report.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- N/A

**DATE:**

---

Shannon Salter  
Deputy Attorney General and  
Deputy Minister Responsible for Housing

**RECOMMENDED OPTION APPROVED**

**DATE:**

---

Murray Rankin  
Acting Attorney General and  
Minister Responsible for Housing

**Prepared by:**

Louis Chen  
Senior Policy Analyst  
Justice Services Branch  
778-698-9798

**Approved by:**

Paul Craven  
Acting Assistant Deputy Minister  
Justice Services Branch  
778-698-9333

**Approved by:**

Anita Nadziejko  
Director, Policy and Legislation  
Justice Services Branch  
250 387-4842

**Attachment(s)**

Attachment 1- Appendix A – IIO 2021/2022 Annual Report

***This document may contain information that is protected by solicitor client privilege. Prior to any disclosure of this document outside of government, including in response to a request under the Freedom of Information and Protection of Privacy Act, the Ministry in possession of this document must consult with the lawyer responsible for the matter to determine whether information contained in the document is subject to solicitor client privilege.***



# ANNUAL REPORT

2021–2022

IIO

IIO



**Professionalism • Excellence**  
**Trust • Courage**  
**Collaboration**



**INDEPENDENT**  
Investigations Office of BC

## CONTENTS

<b>Message from the Chief Civilian Director .....</b>	<b>3</b>	<b>Year-Over-Year Comparisons .....</b>	<b>17</b>
<b>Executive Summary .....</b>	<b>5</b>	Overall Caseload .....	17
<b>Who We Are .....</b>	<b>6</b>	Public Reporting .....	17
<b>The IIO's Guiding Values.....</b>	<b>7</b>	Timeliness.....	18
Professionalism .....	7	Notifications .....	19
Excellence .....	7	Serious Harm & Death Investigation	
Trust .....	7	Comparison .....	20
Courage .....	7	<b>Affected Persons.....</b>	<b>21</b>
Collaboration .....	7	Age & Gender Distribution.....	22
<b>Developments 2021-2022 .....</b>	<b>8</b>	Persons in Crisis .....	23
<b>Investigations.....</b>	<b>8</b>	Ethnicity.....	23
<b>Advice Files .....</b>	<b>9</b>	<b>Subject Officers.....</b>	<b>24</b>
<b>File Numbers .....</b>	<b>9</b>	<b>Operating Budget .....</b>	<b>25</b>
Open Investigations .....	9	<b>Program Areas .....</b>	<b>25</b>
Concluded Investigations .....	9	Organizational Structure .....	25
<b>Notification Time.....</b>	<b>10</b>	Investigations Unit.....	27
<b>Files by District .....</b>	<b>10</b>	Operations.....	27
<b>Files by Classification .....</b>	<b>12</b>	Legislative Changes .....	28
Firearm Files.....	13	<b>Community Engagement .....</b>	<b>29</b>
Police Service Dogs.....	13	<b>Appendix A: Terminology .....</b>	<b>31</b>
<b>Public Reporting.....</b>	<b>14</b>	<b>Appendix B: Statistical Data .....</b>	<b>34</b>
<b>Referrals to Crown Counsel.....</b>	<b>16</b>		

# MESSAGE FROM THE CHIEF CIVILIAN DIRECTOR



I am pleased to present the tenth annual report of the Independent Investigations Office (IIO) of British Columbia for the fiscal year ending March 31, 2022.

This fiscal year has been difficult for the IIO as the open investigation backlog grows while our resources are stretched thin by our hiring challenges, and a workload that, over the last three years, has increased by 67% from what it was for the years 2017-2018 and 2018-2019.

We are fortunate that the current circumstances of the COVID-19 pandemic appear to be trending positively and have allowed us to return to much of our usual routine towards the end of the fiscal year. The IIO is pleased to offer a flexible hybrid work model to our employees while continuing to enjoy the benefits of a return to the office such as improved

communication and team building. In addition, the lowered risk associated with travel that is unavoidable in our line of work is a welcome change.

In the 2021-2022 fiscal year, the IIO has begun a new strategic planning process which will guide us for the next three years as we continue to strive to meet the objectives identified in the 2018-2022 strategic plan. That process remains underway, and our commitment to those core goals and serving the people of British Columbia remains steadfast.

While we continue to work hard at meeting our mandate of fair, unbiased, and transparent investigations, those efforts have placed our office in dire need of additional resources. The IIO closed out this fiscal year with only 24 of 30 Investigator positions filled despite running recruitments for the role twice a year for the last several years. The IIO has difficulty with both attracting qualified candidates and retaining current investigators. This is largely attributable to two issues: the Investigator compensation package, which includes no compensation for overtime, and the on-call structure.

The IIO is established under the Ministry of Attorney General and is therefore regulated by the BC Public Service compensation model. For example, other law enforcement agencies such as police departments offer higher base salaries, and with overtime pay, this equates to tens of thousands of dollars more than the IIO can offer its Investigators annually. The terms and conditions for excluded employees and appointees<sup>1</sup> prevent the IIO from compensating its Investigators for overtime, and given the 24/7 nature of our work, this presents a significant problem. As a result, many of the individuals with skillsets suitable for work as IIO Investigators do not accept positions offered.

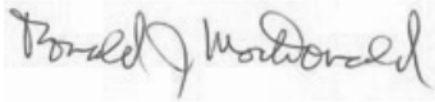
---

<sup>1</sup> <https://www2.gov.bc.ca/gov/content/careers-myhr/managers-supervisors/employee-labour-relations/conditions-agreements/excluded-employees-appointees>

The compensation challenges lead to a chronic Investigator shortage. With only 24 Investigators, the members of each team are on call every third week, meaning they must be ready to deploy to any location within the province on short notice. This has a significant impact on work/life balance, stress management, and the overall wellness of our Investigators. Despite these difficulties, our Investigators step up to get the work done, and I am tremendously proud of how they conduct themselves and support each other during these challenging times.

This report details many of our successes and challenges over the past year, and I encourage you to take the time to read about the work we do on behalf of the citizens of British Columbia.

Yours very truly,

A handwritten signature in dark ink, reading "Ronald J. MacDonald". The signature is fluid and cursive, with the first name "Ronald" and last name "MacDonald" clearly legible.

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





# EXECUTIVE SUMMARY



September 10, 2022 marks the 10th anniversary of the IIO's establishment in response to the recommendations of Justices Davies and Braidwood in their reviews of the deaths of Frank Paul and Robert Dziekanski, respectively. The IIO investigates all incidents that occurred within the Province of B.C. that involve the police and result in serious harm or death to determine if any officer may have committed an offence. This report covers fiscal year 2021-2022 (April 1, 2021 to March 31, 2022) and provides updates regarding the IIO caseload, trends, and operation of the IIO, including a detailed statistical analysis.

Highlights from this report include:

- Commenced 193 new investigations (see [open Investigations](#));
- Concluded 42 investigations by releasing a public report (see [public reporting](#));
- Concluded 40 investigations by issuing a concluding media release (see [public reporting](#));
- Referred 12 investigations to Crown Counsel (BC Prosecution Service) for consideration of charges (see [referrals to Crown Counsel](#)); and
- Conducted significant outreach with important partners (see [community outreach](#)).

The IIO continues to deliver on its mandate of conducting fair and transparent investigations while striving to overcome significant challenges. The IIO's caseload remains high and resources are low, but the work must continue. The IIO has worked diligently to increase credibility and trust with law enforcement agencies across the province and with the public overall. This is a result of continuous efforts to build relationships, as well as ongoing engagement with media throughout the province to provide news and updates on the work of the IIO to the people of B.C.

Every IIO team member is aware of the importance of the work we do, not only to involved parties but to the citizens of B.C. and our society, particularly in the current climate of enhanced awareness of police accountability. The IIO continues to enhance the public's faith in police accountability by optimizing processes and maximizing limited resources.

# WHO WE ARE



The IIO is a civilian-led police oversight agency that was established in 2012 following recommendations from the Davies and Braidwood Commissions into the deaths of Frank Paul and Robert Dziekanski, respectively. The IIO is headed by the Chief Civilian Director (CCD) who, per the *Police Act*, is not permitted to have ever served as a police officer.

The IIO is responsible for conducting investigations into incidents resulting in death or serious harm that may have been a result of the actions or inactions of a police officer throughout the province of B.C. The IIO maintains jurisdiction over all policing agencies in B.C., including 12 municipal agencies, the Royal Canadian Mounted Police (RCMP), the South Coast BC Transportation Authority Police Service (Metro Vancouver Transit Police), and the Stl'atl'imx Tribal Police Service. The IIO also has oversight jurisdiction over Special Provincial Constables when an incident occurs during the exercise of their authority while in B.C. The IIO's jurisdiction does not extend to correctional officers in municipal, provincial, or federal correctional facilities, or civilian jail guards. The IIO's authority is legislated by the British Columbia *Police Act*, which requires that police notify the IIO immediately of any incident that may fall within the IIO mandate.

IIO investigations are conducted to a criminal standard comparable with any other law enforcement agency in B.C. Investigations are commenced regardless of whether there has been any allegation of police wrongdoing, and all IIO investigations are conducted in a transparent manner while respecting both the integrity of the investigation and the privacy interests of those involved.

When an investigation is complete, the CCD determines whether there are reasonable grounds to believe that an officer committed an offence based on the evidence gathered and with the input of the investigative team. If reasonable grounds do exist, the CCD may file a report with Crown Counsel at the BC Prosecution Service for consideration of charges. If the CCD determines that reasonable grounds to believe an offence may have been committed do not exist, and it is in the public interest to publish information, a public report will be released. The public report outlines relevant facts, evidence examined, and the legal principles applied in the CCD's determination.

Since October 2017, Ronald J. MacDonald, Q.C. has held the role of CCD. CCD MacDonald and the IIO team have been committed to prioritizing the development of community relationships and promotion of the IIO's mandate. IIO staff frequently connect with communities and organizations within the province to increase trust in the IIO with both members of the public and police agencies.

## THE IIO'S GUIDING VALUES

### PROFESSIONALISM

The IIO team demonstrates impartiality and integrity in delivering on the organization's mandate. Every person who works at the IIO approaches their role, responsibilities, and interactions with the community, affected persons, police, and each other in an impartial, thorough, unbiased, committed, and efficient manner. Practice that is grounded in care and compassion for those we interact with is central to the IIO's values.

### EXCELLENCE

The IIO is committed to excellence in all aspects of investigations and interactions with others. This approach applies cutting-edge practices to improve our effectiveness and undertaking world-class training to ensure that employees' knowledge and skills are always up to date. The CCD and IIO team are dedicated to ongoing improvement with a focus on ensuring consistency. The goal of the IIO is to serve the communities of B.C. in a manner that inspires confidence in the organization and police accountability.

### TRUST

The IIO is dedicated to remaining impartial. The public, the affected person(s) and the police should have complete confidence in the IIO's processes and procedures. Whatever the outcome of the investigation, the IIO must be held to the highest standards. Aligned with our 'start from zero' approach, the IIO reaches conclusions only after gathering and analyzing all available evidence. Our goal is to be open and genuine in all interactions. It is this approach that fosters trust, which is at the core of all relationships with affected persons, police, communities, and British Columbians.

### COURAGE

The work that we do is challenging and demanding, but an important part of maintaining a well-functioning society operating on rule-of-law principles. The CCD and IIO team conduct each investigation as fact-driven professionals that the people of B.C. can count on to do what's right – even when it's difficult. With this understanding, the IIO must be confident in making tough decisions, in speaking and acting in support of those decisions, and, when necessary, taking accountability if there has been a mistake.

### COLLABORATION

As an organization and as professionals, the IIO is dedicated to acting in a respectful, open, and curious manner and to being present and mindful in all interactions. At the foundation of the IIO's investigative and operational abilities is teamwork and employees who work toward shared goals that uphold both organizational and their own personal values. We stand on a strong foundation of encouraging respectful dialogue and operating with practical transparency and communication.





# DEVELOPMENTS 2021-2022

## INVESTIGATIONS

The IIO is mandated to conduct investigations into police-involved incidents that result in serious harm or death in B.C. and derives this authority from the *Police Act*. The *Police Act* defines serious harm as an injury that (a) may result in death, (b) may cause serious disfigurement, or (c) may cause substantial loss or impairment of mobility of the body as a whole or of the function of any limb or organ.

The *Police Act* further requires every police agency to notify the IIO immediately when any incident which may be subject to the IIO's jurisdiction occurs. Upon notification, the on-call Team Director, as a delegate of the CCD, will conduct a two-part assessment based on the available information:

- Is there sufficient connection to police actions or inactions and the injury or death?
- Does the injury the affected person sustained meet the above-noted threshold of serious harm?

If the answer to both questions is yes, or if more information is needed to make a complete assessment, the Team Director will assign the file to an Investigator. In 79% of investigations during fiscal year 2021-2022, the investigation determined that based on clear, objective evidence, the two-part test was not met. In those cases, the investigations were concluded at that point. This may often occur early in an investigation and allows for early resolution of the matter.

In the remaining 21% of investigations, the investigative team continues their work to ensure all evidential opportunities are exhausted. This includes deployment of an investigative team to the scene of the incident as soon as possible where appropriate. All IIO investigations are subject to rigorous and ongoing review before the CCD is satisfied that it may be concluded.

The amount of time required to complete an IIO investigation varies considerably based on many factors, such as the size and location of the scene and the possible need for expert reports from external service providers, such as autopsy and ballistics reports. More complex investigations, such as officer-involved shootings, require greater resources and as a result, take longer to conclude. As noted in the executive summary of this report, the IIO is also facing significant resource challenges which are adversely impacting the timeliness of investigations.

When all evidence has been successfully collected and analyzed, a file review will be held. This process provides an opportunity for the investigative team to present the facts to the CCD who, in consultation with the IIO's General



Counsel, Legal Counsel, and the investigative team, will determine if reasonable grounds exist to believe an offence may have been committed.

An IIO investigation can be concluded in one of three ways: by referring the matter to Crown Counsel at the BC Prosecution Service for consideration of charges, by publishing a public report or media release where there are no reasonable grounds to believe an offence has been committed, or without public report or a media release. The latter option is used in cases where there are no reasonable grounds to believe that an offence has been committed, but the privacy interests of the involved parties outweigh the public interest in releasing additional information.

## ADVICE FILES

As all police agencies are required to report all incidents which may be subject to the IIO's mandate, pursuant to sections 38.09<sup>2</sup> and 38.10<sup>3</sup> of the *Police Act*, there are instances where a matter clearly does not meet the IIO's threshold to investigate. This is typically because it is immediately apparent that a serious injury meeting the definition of serious harm<sup>4</sup> in the *Police Act* has not occurred, or there is clearly no connection to police actions or inactions and the death or serious harm. In these cases, the police agency is advised that no investigation will be commenced, and a file number is assigned for administrative purposes only.

## FILE NUMBERS

In the 2021-2022 fiscal year, the IIO received 323 notifications of incidents from police agencies across B.C.

Of the 323 notifications, 130 were determined to be advice files and no investigative steps were undertaken. Investigations were commenced into the remaining 193 notifications received.

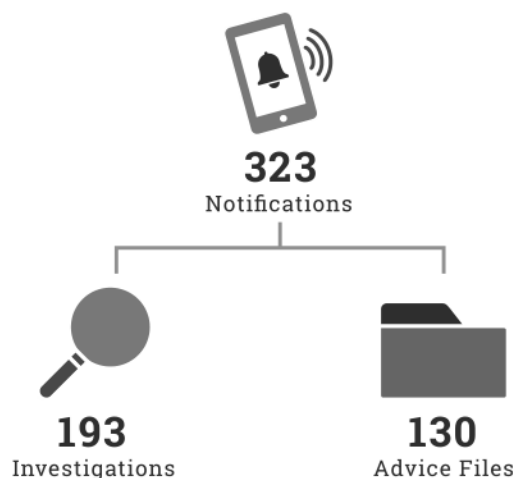
### OPEN INVESTIGATIONS

At the end of fiscal year 2021-2022, 60 investigations remained open. Fifty of these, or 83%, have been open less than 12 months. The remaining 10 investigations are greater than 12 months old.

### CONCLUDED INVESTIGATIONS

During the 2021-2022 fiscal year, 94<sup>5</sup> investigations were concluded. Basic information regarding all investigations was published to the IIO website, including the incident date, location, involved agency, serious harm or death classification, and status. In addition, more detailed information was published regarding many investigations:

- 40 concluding media releases were published;
- 42 public reports were made available on the IIO website (see [page 15](#) for more information about media releases and public reports); and
- 12 referrals to Crown Counsel (BC Prosecution Service) were made, with accompanying media releases (see [page 16](#) for more information).



<sup>2</sup> [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96367\\_01#section38.09](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96367_01#section38.09)

<sup>3</sup> [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96367\\_01#section38.10](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96367_01#section38.10)

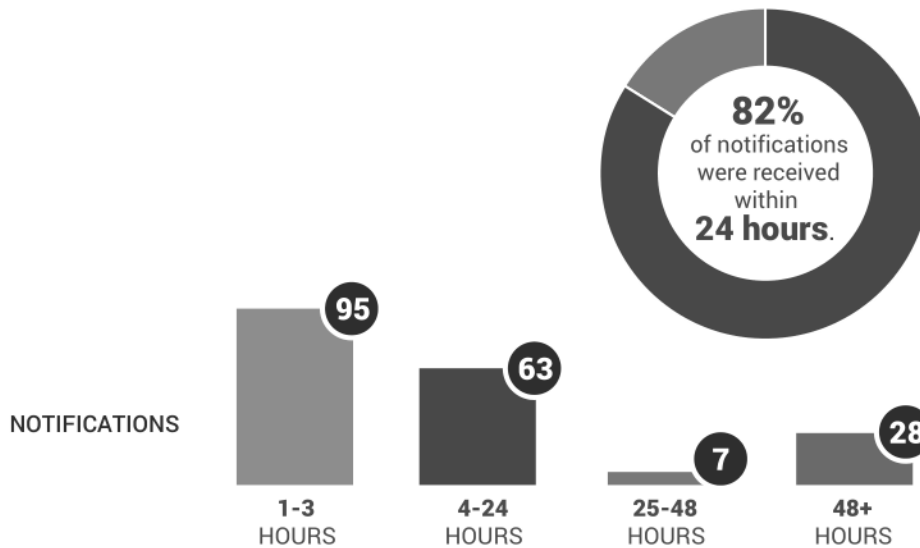
<sup>4</sup> [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96367\\_01#part11](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96367_01#part11)

<sup>5</sup> The 94 concluded investigations may have been opened in fiscal year 2021-2022 or any prior year.

## NOTIFICATION TIME

In 26% of cases out of the 193 investigations commenced in fiscal year 2021-2022, the IIO was notified within an hour of the incident having occurred, which is a substantial increase from the last fiscal year where this occurred in only 13.8% of cases. Overall, the IIO was notified within three hours of the incident having occurred in 49% of cases, between four and 24 hours in 33% of cases, and between one and two days 4% of the time.

### Time Between When the Incident Occurred and When the IIO was Notified



Twenty-eight incidents were reported more than 48 hours after the incident occurred. In all of these instances, the injuries sustained by the affected person were not initially believed to meet the definition of serious harm to require IIO notification. These were either reported to the IIO directly by the affected person, by another oversight agency, or by the involved police agency when the serious harm was noted upon routine review. All delays were found to be reasonable under the circumstances.

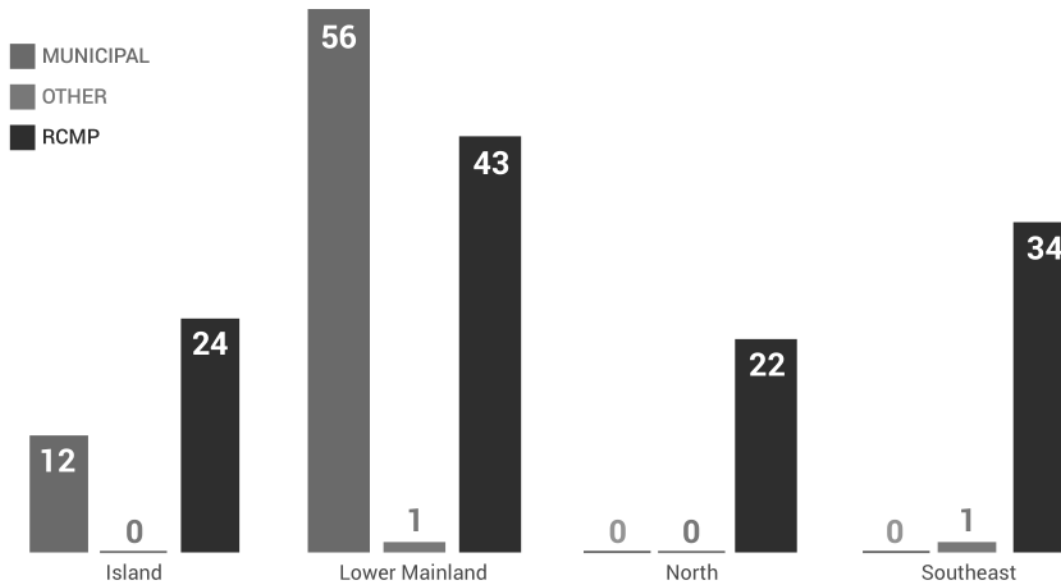
## FILES BY DISTRICT

The data in this section is organized by the following regional districts – Island, Lower Mainland, North, and Southeast. Each IIO investigation has an involved police agency. This is defined as the home detachment of the subject officer, meaning the officer whose actions are the subject of IIO investigation. In cases where there is more than one subject officer, there may also be more than one involved agency, and therefore the number of involved agencies does not necessarily correspond to the number of investigations.

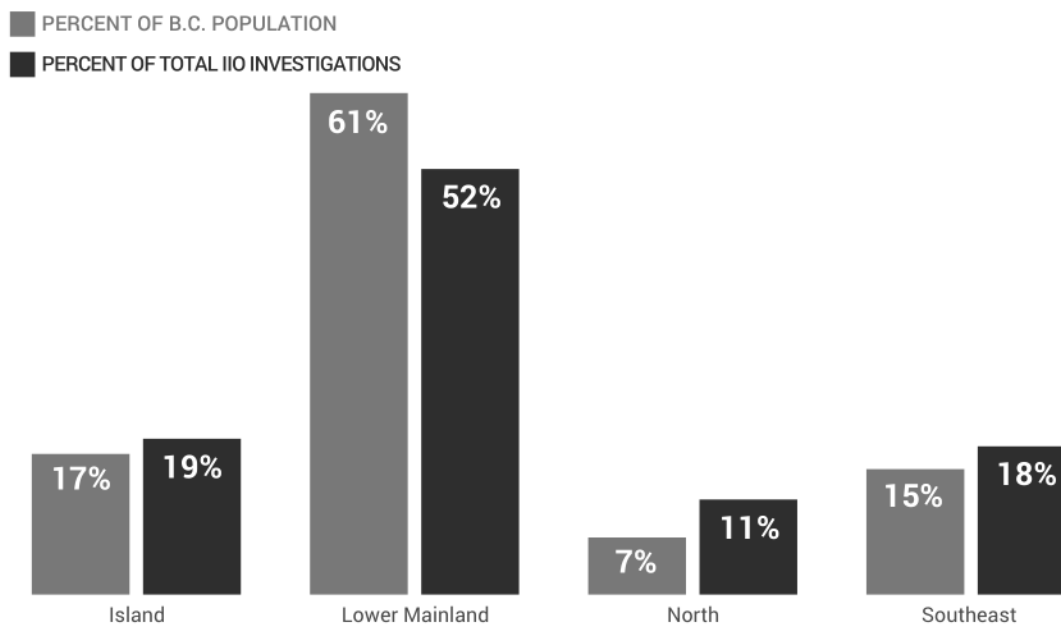
In the 2021-2022 fiscal year, there were a total of 193 involved police agencies. The graph below depicts the number of IIO investigations that were commenced in each district by agency type. There is a higher instance of investigations involving municipal officers in the Lower Mainland and Island regions which corresponds to the jurisdiction of nearly all municipal police agencies in B.C.<sup>6</sup>

<sup>6</sup> More information on which cities are policed by a municipal police force can be found here: <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/policing-in-bc/bc-police-forces>

### Distribution by District, by Agency Type



### Percentage of IIO Investigations Compared to Percentage of B.C. Population, by District



The graph above shows the percentage of the population<sup>7</sup> of B.C. that resides in each district, and the percentage of total IIO investigations that occurred in each district.<sup>8</sup>

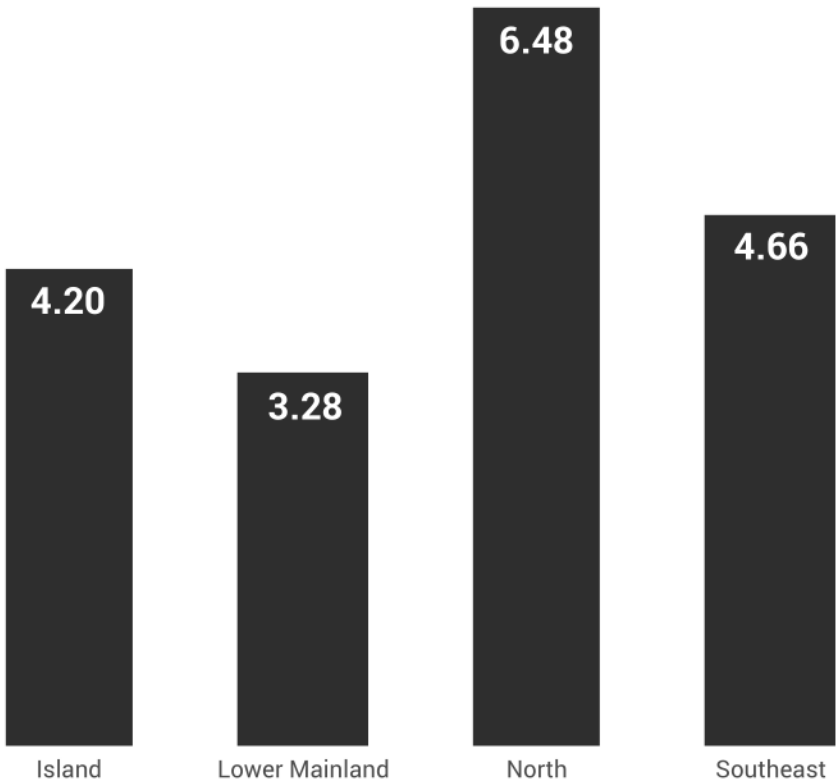
Looking at the data a different way, the chart below reflects the number of IIO investigations per capita, or per 100,000 people, in each district. For a second year in a row, the number of IIO investigations per capita is highest in









<sup>7</sup> Population data source: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/statistics/police-resources.pdf>

<sup>8</sup> The percentage of total IIO investigations is calculated as the number of investigations undertaken in each district divided by the total number of IIO investigations commenced during the fiscal year.

the North district. However, the North also saw the biggest drop in IIO investigations compared to 2020-2021 as it went from 10.9 to 6.48 per capita.

Number of IIO Investigations Per 100,000 People, by District



-  Conducted Energy Weapon (CEW)
-  Firearm
-  Medical
-  Motor Vehicle Incident (MVI)
-  Other
-  Police Service Dog (PSD)
-  Self-Inflicted
-  Use of Force

FILES BY CLASSIFICATION

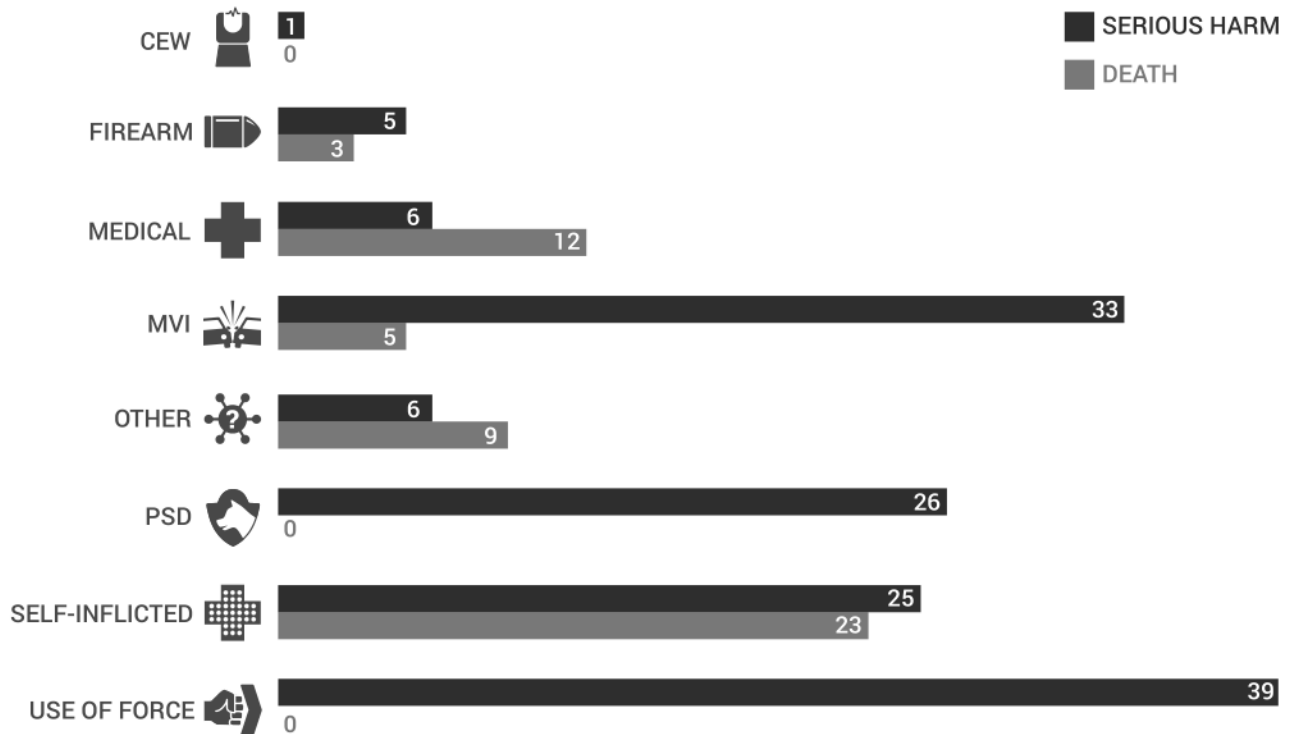
The IIO categorizes files into the following classifications:

These classifications are applied to reflect the primary mechanism related to the affected person’s serious harm or death. For example, if a police service dog was used to track a person who sustained serious injuries as a result of use of force during arrest but was not bitten by the dog, that file would be classified as use of force.

Investigations that are classified as “other” involve circumstances that are not well-aligned with the existing classifications or incidents that could appropriately be classified under more than one category. The “self-inflicted” category, in the context of IIO investigations, includes any injury or cause of death that is most appropriately attributed to the decisions made and actions taken by the affected person.

In the 2021-2022 fiscal year, the “self-inflicted” classification had the greatest overall number of IIO investigations and represented 25% of all investigations undertaken this year. Use of force was the leading cause of serious harm at 28% of all serious harm investigations, and the most prevalent cause of death was self-inflicted at 44% of IIO death investigations.

### Files by Classification



### FIREARM FILES

In fiscal year 2021-2022, there were eight officer-involved shooting incidents. Five resulted in serious harm, while the remaining three affected persons died. At the end of the fiscal year, the investigations into two of the serious harm firearm incidents have been concluded, and in both cases it was determined that there are no reasonable grounds to believe that an offence has been committed. As concurrent court proceedings related to both incidents are still underway, the IIO will publish detailed public reports regarding the incidents once the court matters have been resolved. Concluding media releases have been issued regarding both incidents in the interim to advise the public of the outcome.

The other six firearm incidents remain under investigation. For more information on the files in the firearms classification, please refer to [Appendix B](#) of this report.

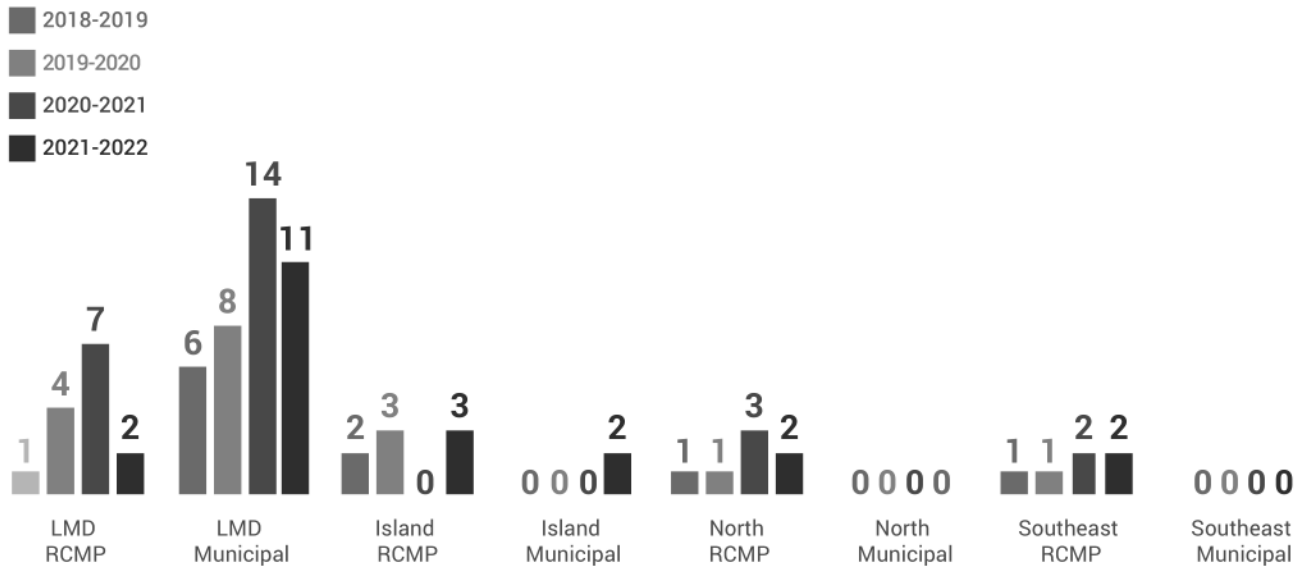
### POLICE SERVICE DOGS

In fiscal year 2021-2022, the IIO undertook a review of all files in which a police service dog (PSD) played any role in an incident between January 1, 2018 and December 31, 2021.<sup>9</sup> This analysis included an in-depth review of 76 incidents that occurred during the noted period.

<sup>9</sup> Typically, the IIO reports the classification of investigations based on the primary mechanism of injury. For the purposes of this analysis, all files in which police service dogs played a limited or significant role were included.

The graph below reflects the distribution of the 76 investigations by district and illustrates that this analysis found that 70% of incidents occurred in the Lower Mainland district, with 14 RCMP and 39 municipal police incidents.

### IIO Investigations Involving Use of a Police Service Dog, by District



The 76 files were organized into categories of high, medium, and low levels of injury severity, and of which: 17 files (22%) were categorized as high severity that included cases of the AP either having undergone surgery, or sustaining injuries that met the IIO threshold of serious harm; 36 files (47%) were categorized as medium severity that involved minimal medical intervention to repair the injury occurred; and 23 files (30%) were categorized as low severity that required no medical intervention and a full recovery was anticipated. In four cases, a PSD was present and performed an operational task, but the AP's contact with the PSD either did not result in injury, or no reference to an injury was found in the medical records associated to the event; these were included in the 'low severity' classification.

In 56 cases, the CCD determined that there were no reasonable grounds to believe that an officer had committed an offence. Six investigations were referred to Crown Counsel for consideration of charges as the CCD determined that reasonable grounds did exist to believe that an officer may have committed an offence, but only three of these were referred in relation to use of a PSD. The remaining 14 incidents were still under investigation at the time the report was written.

### PUBLIC REPORTING

The IIO is committed to transparency and reporting to the public to the fullest extent possible while simultaneously preserving the integrity of our investigation and protecting the privacy interests of the involved parties. This commitment to transparency is an essential component to maintaining the public trust in both the IIO and in police accountability in B.C.

When all available evidence has been collected and analyzed, a file review will be held. The file review brings together the CCD, General Counsel, Legal Counsel and the investigative team to evaluate the facts and determine if there are reasonable grounds to believe an officer has committed an offence.

If reasonable grounds do not exist, the IIO investigation will be concluded. The involved parties – particularly the affected person or their family, and the involved officers – will always be notified of the outcome of an investigation. If requested, the CCD or a delegate will meet with the affected person, their family, the involved officers, community representatives or members of the media to answer any remaining questions.

The level of information provided publicly is assessed on a case-by-case basis. Where it is in the public interest to do so, the IIO will issue a detailed public report which includes a narrative of the incident, the available evidence, and the legal principles applied to determine there were no reasonable grounds to believe an offence was committed.

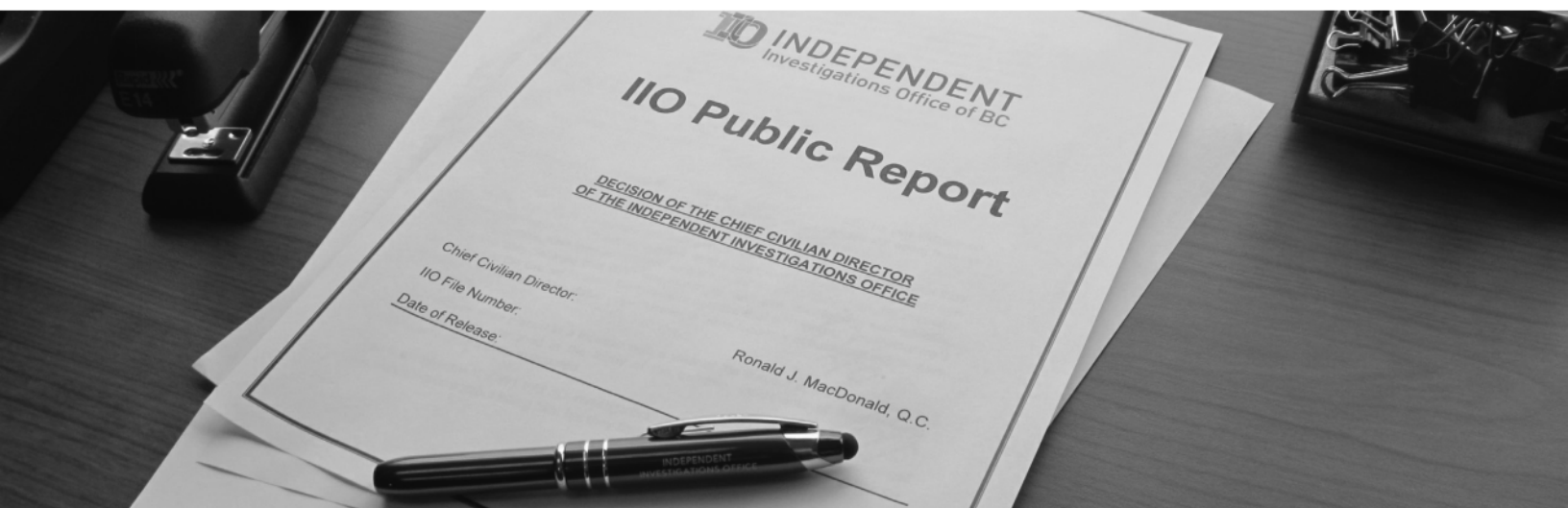
In some circumstances where the privacy interests of the involved parties are elevated – as is often the case in incidents involving suicide, for example – the CCD may determine it is more appropriate to publish a concluding media release instead, which contains a shorter summary of the incident and evidence. In other cases, the circumstances may be such that the privacy interests outweigh the public interest altogether, and in these cases the IIO will conclude the investigation without making any further information public.

The timing of when information is published is subject to several factors, including concurrent court proceedings related to the same incident or ongoing police investigations which could be adversely impacted by IIO information being made public. The IIO will consider these aspects and weigh them against the public interest in determining the appropriate time to publish information.

Basic information regarding all IIO investigations is available on the IIO website on the cases page<sup>10</sup>, including the case number, incident date, involved agency, location, incident classification (serious harm or death), and the current status.

All public reports and media releases are available on the IIO website, including media releases published regarding the decision to refer a matter to Crown Counsel at the BC Prosecution Service for consideration of charges. Additionally, the IIO posts links to all media releases and public reports on the IIO Twitter and Facebook pages.

Investigations Concluded	94
Concluded with Public Report	42
Concluded with Media Release	40



<sup>10</sup> <https://iiohc.ca/cases/>

## REFERRALS TO CROWN COUNSEL

At the file review, if the CCD determines that there are reasonable grounds to believe that an officer may have committed an offence, they may refer the matter to Crown Counsel at the BC Prosecution Service for consideration of charges.

Crown Counsel will review the investigation materials and decide if charges will be approved. In making their decision, the Crown Counsel apply a two-part test. They must be satisfied that:

- there is a substantial likelihood of conviction based on the evidence, and
- that a prosecution is required in the public interest.

If charges are not approved, the BC Prosecution Service will publish a clear statement. Similar to an IIO public report, the statement will include a detailed narrative of the incident, the available evidence, and an explanation of why the circumstances do not meet the above-noted test to approve charges.

If charges are approved, the BC Prosecution Service will publish a media release that briefly summarizes the incident, the offence the officer has been charged with, and the name of the officer charged. The matter will then proceed through an appropriate court process.

In fiscal year 2021-2022, 12 investigations were referred to Crown Counsel for consideration of charges. For more information on the files that were referred, please refer to [Appendix B](#) of this report.



# 12

Cases referred to  
Crown Counsel



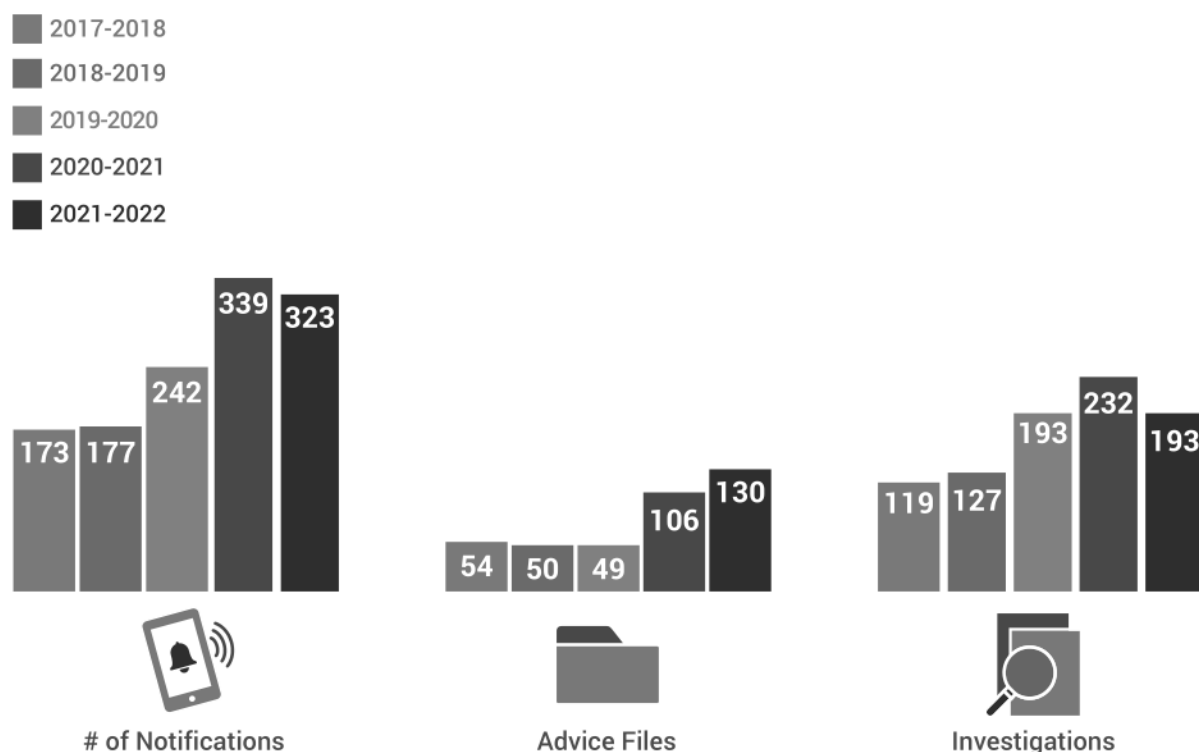


## YEAR-OVER-YEAR COMPARISONS

### OVERALL CASELOAD

The number of notifications and investigations undertaken have decreased this fiscal year relative to 2020-2021. The graph below reflects the year-over-year trends in the IIO's caseload.

### Year-Over-Year Caseload Comparison

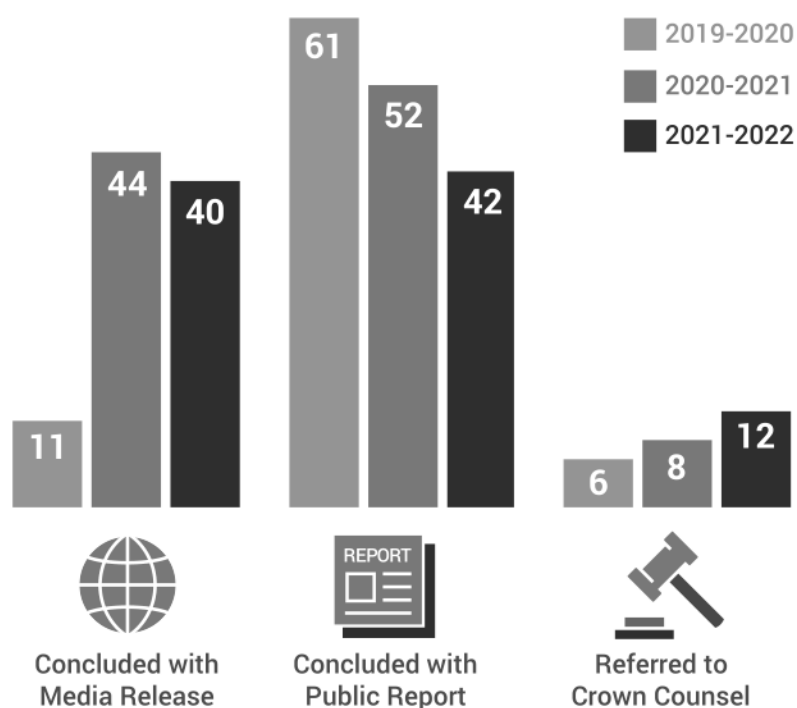


The chart illustrates that while the number of notifications decreased by 5%, the number of advice files increased relative to previous years by 23%. The number of investigations commenced in fiscal year 2021-2022 decreased by 17% compared to the previous fiscal year but is anticipated to be on an upward trajectory.

### PUBLIC REPORTING

In fiscal year 2021-2022, the IIO concluded 94 investigations with some form of public reporting, either a public report, concluding media release, or a referral to Crown Counsel. This is a decrease from last fiscal year and may be related to the lower number of investigations commenced in fiscal year 2021-2022 compared to 2020-2021. However, the number of files referred to Crown Counsel for consideration of charges has increased by 50% since last fiscal.

## Year-Over-Year Comparison of Files Concluded During the Fiscal Year

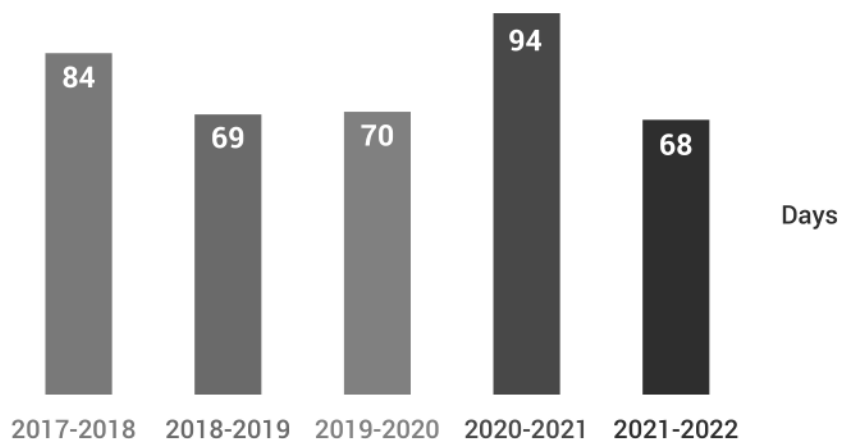


### TIMELINESS

Timeliness in concluding investigations is one of the IIO's four strategic goals. However, as the number of notifications and investigations remains high, the IIO continues to face significant resource challenges that have adversely impacted the timeliness of investigations.<sup>11</sup>

The chart below illustrates the increase in the average number of days to conclude an investigation. It should be noted that the average number of days for 2020-2021 and 2021-2022 are tentative as a total of 60 investigations were commenced in 2020-2021 and many remained open after the March 31, 2022 cut-off date for this report.

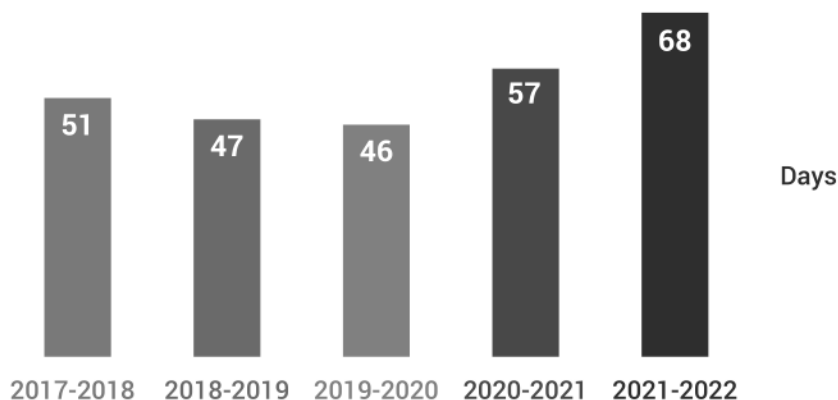
### Average Number of Days to Conclude an IIO Investigation by Fiscal Year



<sup>11</sup> <https://iiohc.ca/media/iio-is-experiencing-demanding-workload-amid-significant-resource-challenges/>

The difficulties presented by the current level of staffing are illustrated in the graph below. This data has been corrected to reflect the average number of days to conclude as it would have been reported on March 31 of each year.<sup>12</sup> While the IIO has been successful in decreasing the average days to conclude an investigation by improving and streamlining investigative work and processes, these efficiencies have been off-set by increasing workload as the number of open investigations grows due to the IIO's limited ability to attract and recruit a full complement of investigators. This chart demonstrates that due to these issues it now takes 48% longer to complete a file than it did two years ago.

### Average Number of Days to Concluded, Corrected to March 31 of Each Year



### NOTIFICATIONS

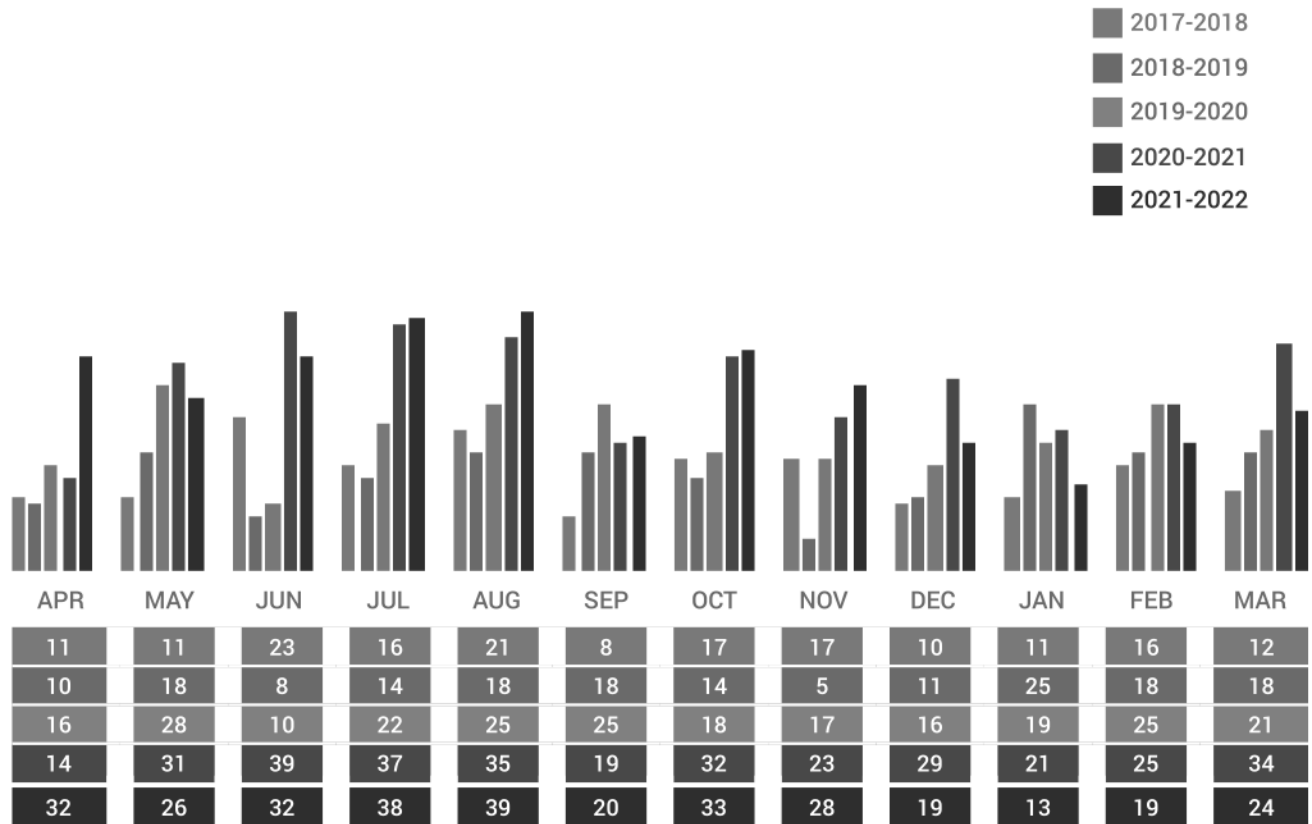
In fiscal year 2021-2022, the IIO received a total of 323 notifications. This number has been on a steady increase year-over-year since 2017-2018 when 173 notifications were received.

In contrast to last year where the number of investigations undertaken was nearly 68% of notifications received, in this fiscal year there was a significantly higher proportion of advice files. The IIO undertook 193 investigations out of the 323 notifications which reflects that nearly 60% of notifications were investigated. While the number of investigations commenced overall was also lower by 39 files, the number of files open at any given time has increased. At the end of fiscal year 2020-2021, there were 52 open investigations; compared to this fiscal year end, that number has increased to 60.

The increasing proportion of advice files over the last two fiscal years may be attributable to several factors, such as increased reporting from police agencies and members of the public that do not meet the threshold of serious harm as defined by the *Police Act*, and the increase in the public awareness of police oversight and accountability.

<sup>12</sup> This chart shows what the average number of days would have been on March 31 of each year if the files that were still open on that date were considered concluded. In the previous chart above, the calculation is based on the date the file was actually concluded on (which was after March 31 of each fiscal year) and this accounts for the higher averages.

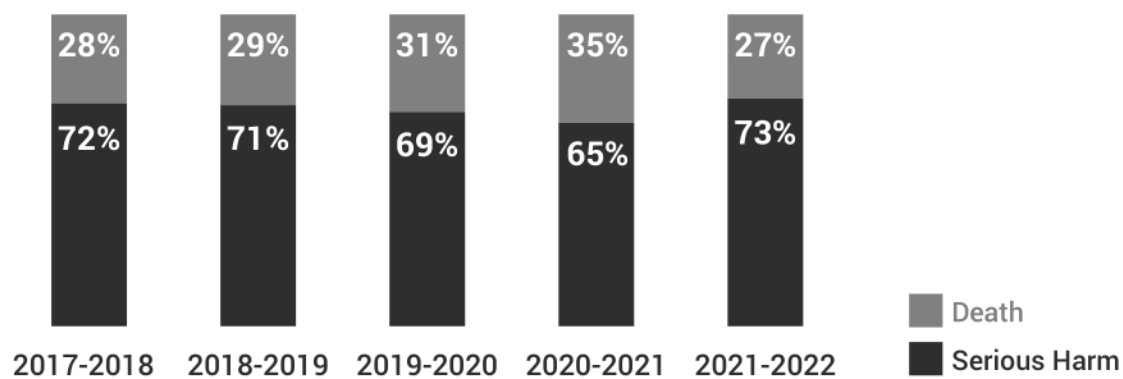
## Distribution of Notifications Received per Month



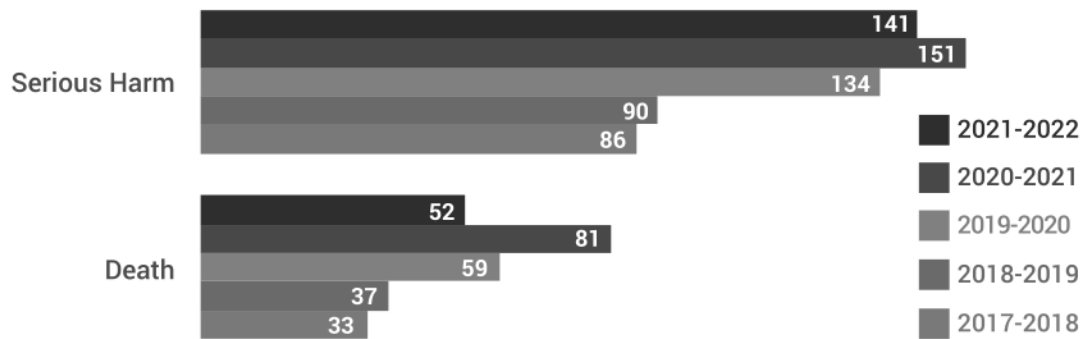
## SERIOUS HARM & DEATH INVESTIGATION COMPARISON

The proportion of serious harm and death investigations remained consistent at approximately 70% and 30%, respectively, year over year as reflected in the chart below.

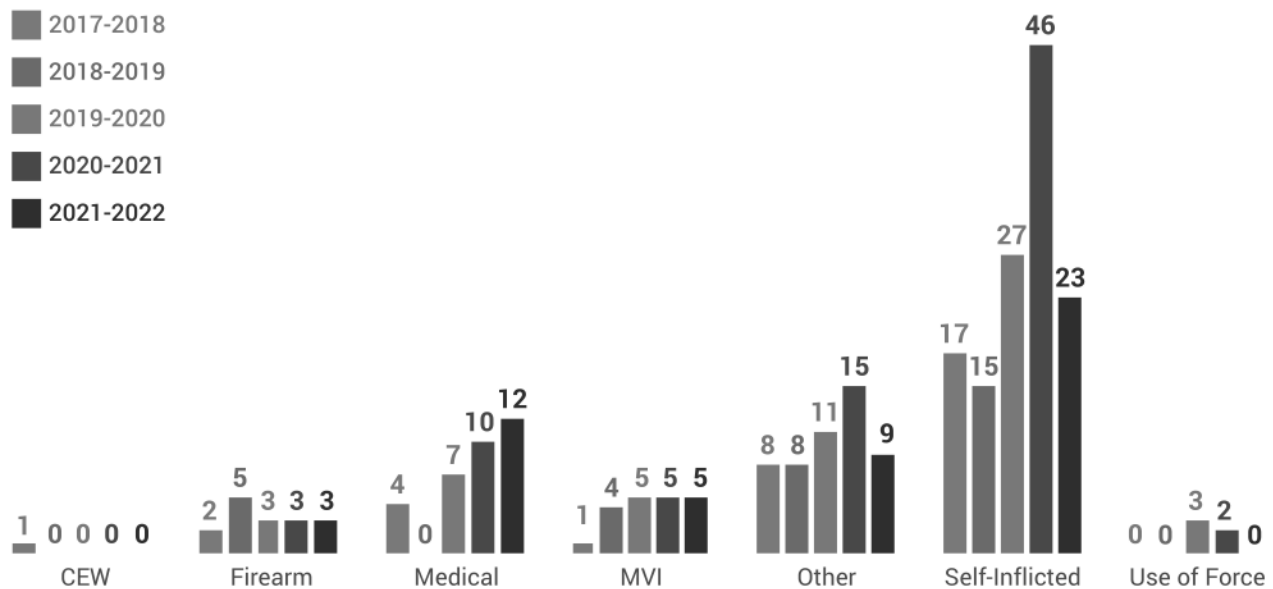
### Percent of Serious Harm/Death Investigations



## Number of Files Classified as Serious Harm or Death



## Death File Classifications Year-Over-Year Comparison



The number of IIO death investigations undertaken decreased to its lowest level in two years, and the greatest number of files were classified as “self-inflicted” followed by “medical” as illustrated by the graphs above. Although it is the largest category, the significant elevation observed last fiscal year in the “self-inflicted” category appears to have normalized and is now aligned with previous years.

## AFFECTED PERSONS

The IIO defines an affected person as the individual who has suffered serious harm or died during a police-involved incident. In some cases, there will be more than one injured or deceased person in an incident, and there can be more affected persons than the total number of IIO investigations undertaken in a given year.

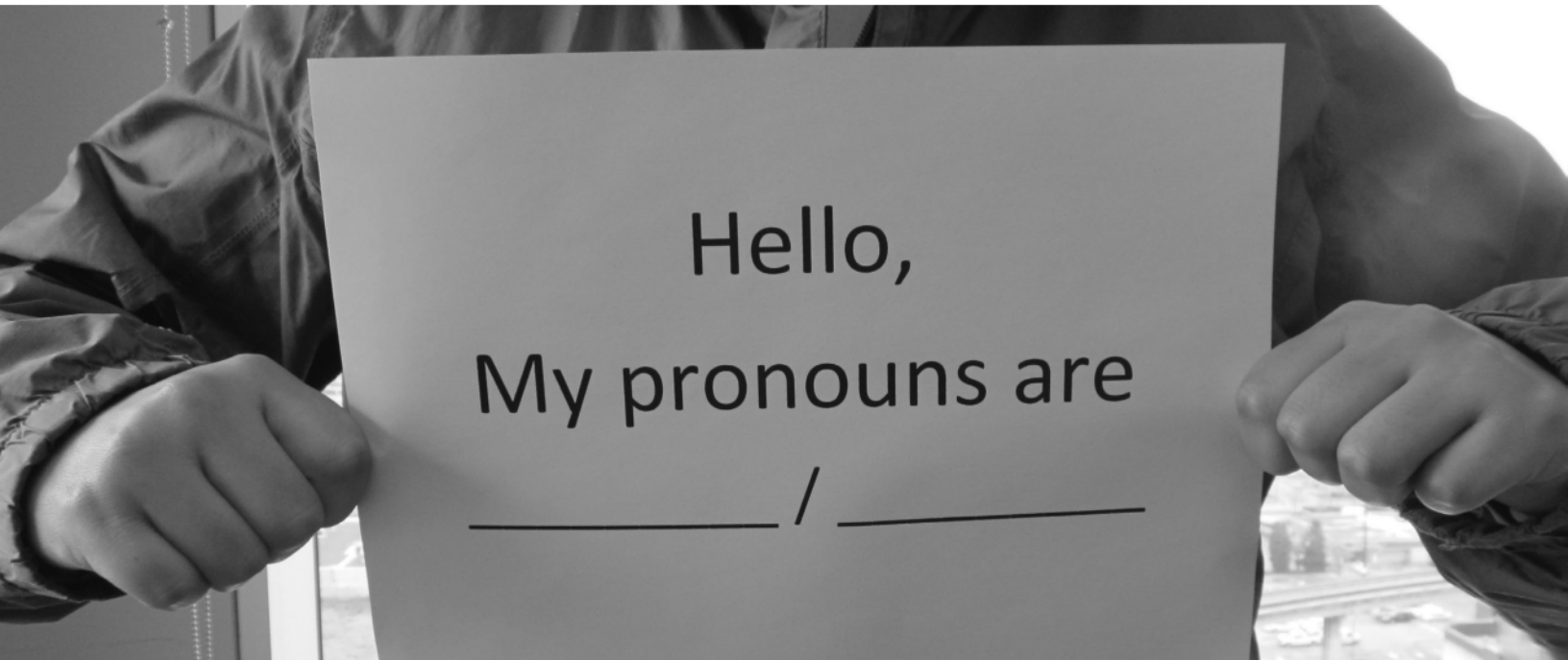
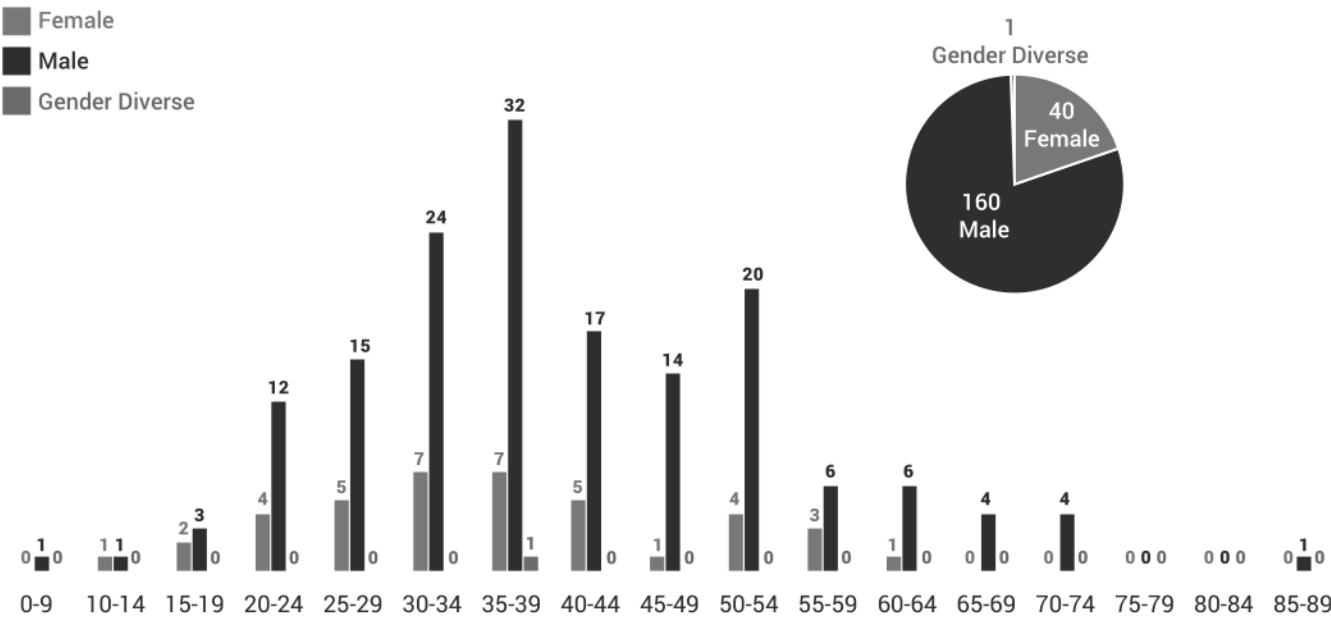
The IIO employs two full-time Affected Persons Liaisons (APL) who serve as the primary point of contact for affected persons or their family if the affected person has died. The APLs are also available to explain the IIO’s investigative process, answer questions regarding the potential outcomes of an IIO investigation and provide referrals to community-based services. These referrals may include housing support services, addictions services, counselling services and more.

AGE & GENDER DISTRIBUTION

In fiscal year 2021-2022, there were 201 affected persons involved in the 193 investigations commenced by the IIO. The statistics provided below are aligned with the affected person’s self-identified gender. In summary, 40 affected persons identified as female, 160 as male, and one as gender diverse.

The average age of female affected persons is 37 years with a range of 13 to 62 years. For males, the average age was 40 years and ages varied between 0 and 87 years. The average age of all affected persons is 40 years.<sup>13</sup>

Age and Gender Distribution of Affected Persons



13 No average is available for gender diverse due to insufficient data.

## PERSONS IN CRISIS

In fiscal year 2021-2022, 54 of the 201 affected persons (27%), were determined to be persons in crisis. In determining whether an affected person was a person in crisis at the time of the incident, the IIO relies on the definition offered by retired Supreme Court Justice Frank Iacobucci. In his 2014 review, entitled “Police Encounters with People in Crisis”, Justice Iacobucci listed the criteria below to assist in assessing if someone is considered to be a person in crisis.<sup>14</sup>

If the person was in crisis immediately prior to or during the interaction with police, one or more of the following must be observed:

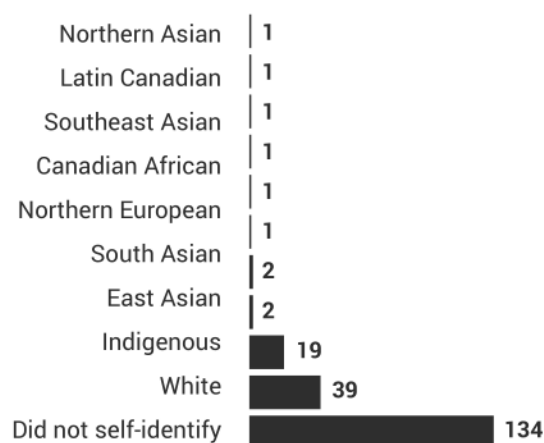
- Their behaviour brought them into contact with police because of a need for urgent care within the mental health system;
- Police were contacted to protect the affected person or those around them because the affected person was in a mental or emotional crisis;
- They displayed erratic, threatening, or dangerous behaviour;
- They were, or appeared to be, mentally ill; or
- The affected person was described as emotionally disturbed by police and/or other witnesses.

## ETHNICITY

This is the second fiscal year the IIO has collected ethnicity data as part of the IIO's commitment to continual improvement to better serve our communities. Of the 201 affected persons involved in IIO investigations this fiscal year, 67 voluntarily provided their ethnicity. Thirty-nine identified as White, 19 as Indigenous, two as East Asian, two as South Asian, and one person each identified as Northern Asian, Latin Canadian, Southeast Asian, Canadian African, and Northern European.

As this sample size is quite small, we cannot assume that the ethnicities reported in the graph below are representative of the affected person population. In the 2016 Census, Indigenous Peoples represent just 6% of B.C.'s population.<sup>15</sup> However, Indigenous Peoples represented 28% of the 67 people who self-identified their ethnicity, and 9.5% of all 201 affected persons. Whether the sample size is representative of all affected persons or not, this data suggests that Indigenous Peoples are over-represented in IIO investigations.

## Ethnicity of Affected Persons



<sup>14</sup> [https://www.torontopolice.on.ca/publications/files/reports/police\\_encounters\\_with\\_people\\_in\\_crisis\\_2014.pdf](https://www.torontopolice.on.ca/publications/files/reports/police_encounters_with_people_in_crisis_2014.pdf)

<sup>15</sup> <https://www12.statcan.gc.ca/census-recensement/2016/as-sa/fogs-spg/Facts-PR-Eng.cfm?TOPIC=9&LANG=Eng&GK=PR&GC=59>

## SUBJECT OFFICERS

Subject officers are those whose actions or inactions during the incident are the subject of an IIO investigation. An officer who was present during the incident but whose actions did not cause or contribute to that harm or death is considered a witness officer. The IIO does not designate officers in every investigation, particularly in the 79% of investigations that were previously noted to be concluded after initial investigative steps confirm that serious harm did not occur, or there was no connection to police actions.

In fiscal year 2021-2022, 42 subject officers were designated and as of March 31, 2022, 20 or almost 48% of those officers had provided access to some form of information, such as providing an interview or statement, access to their notes, etc.<sup>16</sup> This reflects an increase from last fiscal year when 30% of subject officers provided some form of information. Subject officers may face legal jeopardy in an IIO investigation should a matter be referred to Crown Counsel at the BC Prosecution Service for consideration of charges. Therefore, the IIO does not compel or require subject officers to provide information. When officers do so voluntarily, this additional evidence adds to the comprehensiveness of the IIO's investigation and helps to illuminate what the officer knew or believed to be true at the time the incident occurred. This provides additional evidence for the CCD to consider in making his decision, and ultimately delivers a more fulsome investigation for families and communities.



<sup>16</sup> This does not include subject officers on investigations which remained under investigation at the end of the fiscal year.



## OPERATING BUDGET

	2020-2021		2021-2022	
Expenditure Type	Budget	Actuals	Budget	Actuals
Salary and Benefits	7,122,000	7,600,534	7,140,000	7,768,607
Travel Expenses	154,000	62,138	154,000	137,805 <sup>17</sup>
Contracts	284,000	210,403	284,000	273,076
Information Technology	816,000	875,237	816,000	1,017,020 <sup>18</sup>
Office/Business Expenses	317,000	189,952	317,000	264,605 <sup>19</sup>
Operating Expenses	164,000	96,382	164,000	104,246 <sup>20</sup>
Amortization	158,000	95,368	158,000	79,957 <sup>21</sup>
Building Occupancy Charges	43,000	20,929	43,000	247,985 <sup>22</sup>
Other	20,000	25,123	20,000	31,999 <sup>23</sup>
Recoveries	(3,000)	(1,902)	(3,000)	(26,637) <sup>24</sup>
<b>Total</b>	<b>9,075,000</b>	<b>9,174,163</b>	<b>9,093,000</b>	<b>9,898,663</b>

## PROGRAM AREAS

### ORGANIZATIONAL STRUCTURE

The IIO is composed of two program areas: Investigations and Operations.

The IIO had 64 employees as of March 31, 2022. Forty are in the Investigations unit, and 21 are part of the Operations unit. Three additional employees are not classified as either investigations or operations: the Chief Civilian Director, General Counsel, and Executive Coordinator.

The organizational chart below reflects the composition of the office and shows the executive team which is composed of the Chief Civilian Director; Chief Operating Officer; Chief of Investigations, Operations; and Chief of Investigations, Strategy, Performance, and Engagement.

<sup>17</sup> Variance due to reduction of travel (pandemic restrictions).

<sup>18</sup> Variance due to the increased cost of data storage.

<sup>19</sup> Variance due to the reduction in office expenses as a result of work from home directive (pandemic restrictions).

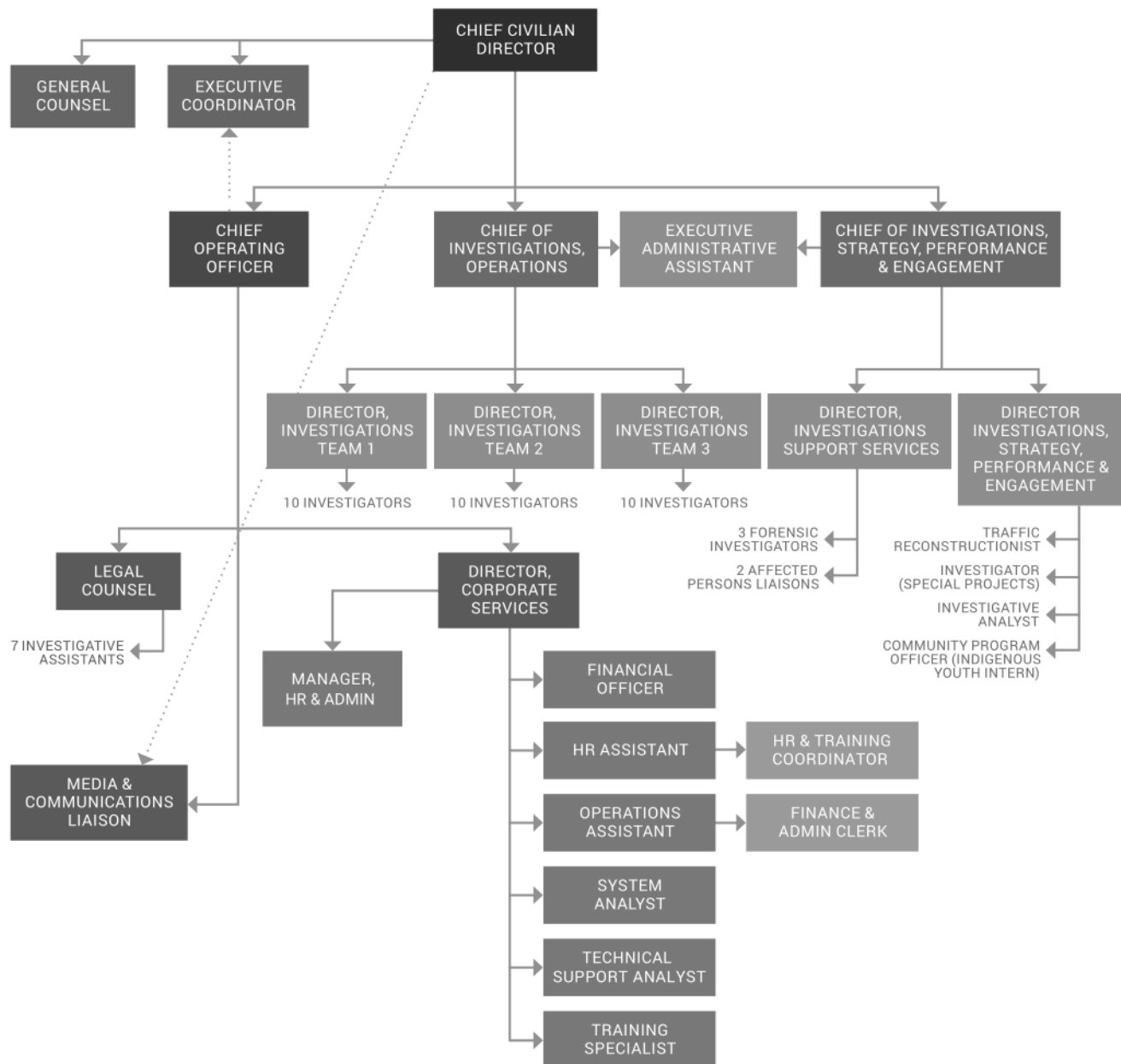
<sup>20</sup> Variance due to minimal vehicle repairs/maintenance because of reduction in use (pandemic restrictions).

<sup>21</sup> Variance due to the completed amortization of various capitalized equipment.

<sup>22</sup> Variance due to year one forensic facility costs. Facility will be operational in year two.

<sup>23</sup> Variance due to administration costs for Indigenous Youth Internship Program and Public Service Innovation Fund.

<sup>24</sup> Variance due to the recovery of IIO staff hours from other provincial oversight agencies.



25

25 While the IIO's organizational chart reflects up to 10 Investigators per team, six positions were vacant as of March 31, 2022.

## INVESTIGATIONS UNIT

The Investigations unit is led by two Chiefs of Investigations (COI) and includes:

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

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

The IIO recruits Investigators with a diverse set of backgrounds in investigative work, such as fraud and finance investigations, security and intelligence, the BC Coroners Service, and legal and law enforcement training. Of the IIO's 24 Investigators, four forensic specialists and the Investigator assigned to special projects, 48% have backgrounds in civilian-based investigative experience, and the remaining 52% have backgrounds in law enforcement.

Highlights for the investigations unit for the 2021-2022 fiscal year include:

- Significant progress has been made towards appointing an Indigenous Civilian Monitor in partnership with the leadership of the Tla-o-qui-aht people regarding the IIO investigation into the death of a man in Opitsaht on Meares Island; and
- Work with the First Nations Justice Council (FNJC) to explore options to involve Indigenous community liaisons in IIO investigations to provide essential cultural, historical, and community background to the investigative team.

## OPERATIONS

The Operations unit is led by the Chief Operating Officer and is responsible for providing organizational support in all non-investigative functions. These include:

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

Highlights in the operations unit for the 2021-2022 fiscal year include:

- Commenced development of an updated strategic plan for the next three years (2022-2025);
- Nearing completion of a secure IIO forensics facility to increase the IIO's capacity to process and store evidence; and
- Created two video presentations – one for affected persons and families, and one regarding the life of an IIO file – aimed at increasing the accessibility of information about the IIO, specifically for those who are sight or hearing impaired, or those who process information better in an audio/visual format. The videos will be fully subtitled and are expected to be available on the IIO website by summer 2022.

## LEGISLATIVE CHANGES

On December 9, 2020, the Legislative Assembly appointed a Special Committee on Reforming the Police Act (the Committee) to provide recommendations to B.C.'s *Police Act* to modernize policing and oversight.<sup>26</sup> The Committee was specifically tasked to take into account the role that social issues such as mental health and addictions play, systemic racism, and to ensure the *Police Act* is aligned with the United Nations Declaration on the Rights of Indigenous Peoples.<sup>27</sup>

The CCD presented to the Committee in February 2021 where he outlined many of the challenges detailed in this report. The IIO followed this up with a written submission in spring 2021.

The IIO is looking forward to completion of the Committee's report which is to be provided to the House on April 28, 2022.



<sup>26</sup> The committee was initially formed prior to an election and was reformed on April 13, 2021. <https://www.leg.bc.ca/parliamentary-business/committees/42ndparliament-2ndsession-rpa/termsofreference>

<sup>27</sup> <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>



# COMMUNITY ENGAGEMENT

At its core, the IIO's mission is to provide the best service possible to the people of B.C. An integral part of fulfilling this mission is building and fostering relationships to increase awareness of the IIO's role in oversight and police accountability. IIO Investigators are at the front line of this as the IIO frequently connects with external agencies, including community groups, healthcare professionals and members of the public across B.C. in its daily work. Additionally, the IIO allocates resources to proactively engage with communities to build strategic relationships through outreach and engagement.

The IIO defines outreach and engagement as linking with external agencies and organizations for the purpose of increasing awareness, trust, and building strong relationships through dialogue – separate from IIO investigations. By undertaking outreach, the IIO can educate key groups who can provide leadership and influence communities who may become witnesses in our investigations. The IIO can also learn more about the diverse communities in the province, which, in turn, assists in increasing understanding of the public that we serve and what issues are important to them, including specific and local community and/or cultural needs related to investigations.

In 2020, a two-year community and stakeholder engagement plan was developed. The plan focused on several key areas including community groups/associations, health care practitioners and members of the public to build and strengthen strategic relationships and for the IIO team to learn from the vast knowledge that already exists within the province. Unfortunately, due to the continuation of the global COVID-19 pandemic, the implementation of the plan was greatly impacted. Although the IIO prioritizes face to face outreach, we have continued to find safe, virtual ways to deliver on this commitment.

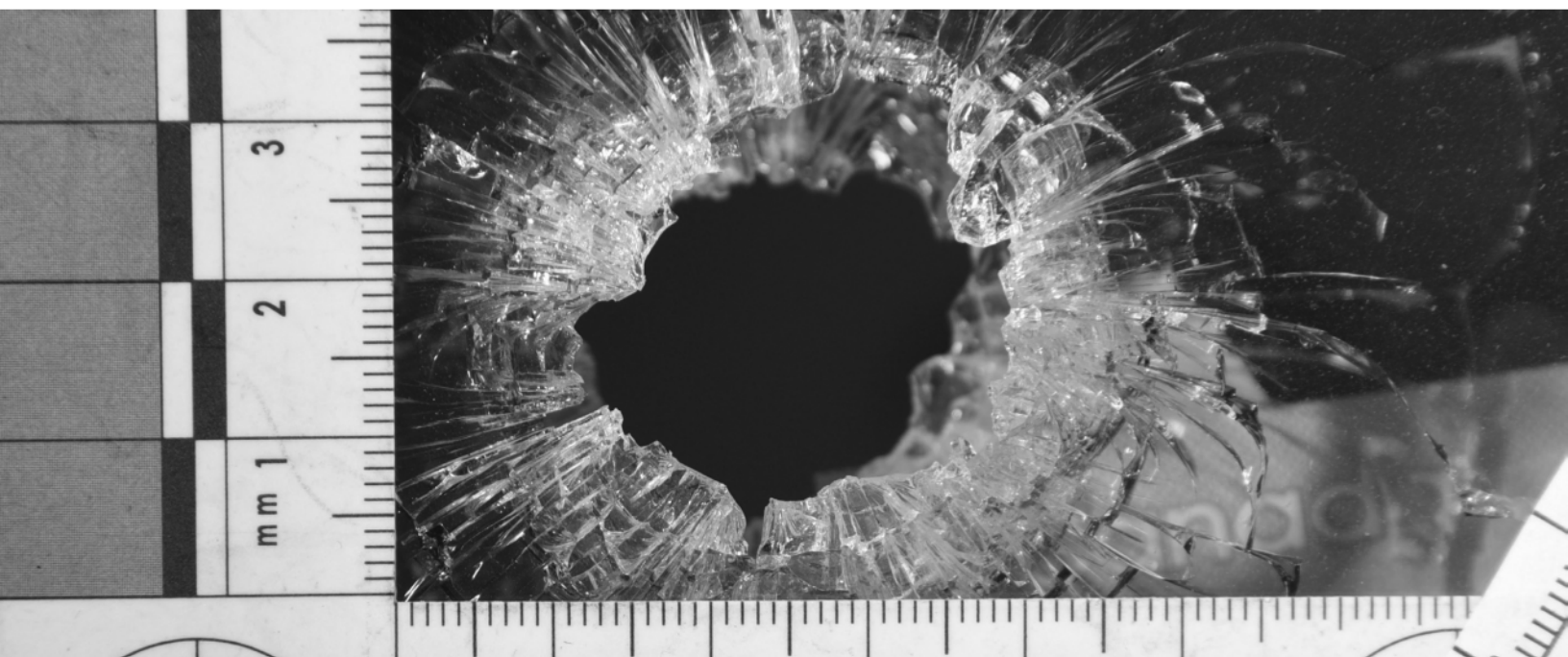
A priority for the IIO's outreach was to connect with Indigenous and community groups. The IIO greatly values the time community leaders offer to build these essential relationships and help the IIO to better understand the different concerns and perspectives that make B.C.'s culture so unique. One outreach example is increasing collaboration between the IIO and the BC First Nations Justice Council (BC FNJC). The IIO met with both members of the Council and other BC FNJC staff multiple times throughout 2021-2022 to increase awareness of the IIO's mandate and build a working relationship to benefit Indigenous Peoples and communities who may be impacted by IIO investigations. In addition, the BC FNJC has provided guidance on the development of an Indigenous Community Liaison program that will further improve relations, and they are assisting in the drafting of some internal IIO directives to make them more relevant and in keeping with the spirit of the *United Nations Declaration on the Rights*

of Indigenous Peoples Act.<sup>28</sup> This example underlines the importance of outreach and the wider impact it can have in benefitting all British Columbians.

Approximately half of the IIO's outreach initiatives involved police agencies from which the IIO received a positive reception. These presentations included such groups as new RCMP recruits in the lower mainland, to ensure the IIO's mandate is understood by officers early in their careers, and critical incident commanders of major police events who would be involved in the more complex IIO investigations. Such outreach increases understanding of the IIO's mandate and its role in police accountability amongst those who may find themselves being investigated by the IIO, or providing evidence in an investigation, before interacting with IIO under more stressful circumstances. Such relationship building is particularly useful when it leads to subject officers providing additional evidence to investigations which will assist in its completeness and timely conclusion. As previously noted,<sup>29</sup> subject officers are not legally obligated to provide information to the IIO.

The IIO is currently in the process of developing a new strategic outreach plan for the next three years with the assistance and input of the Community Programs Officer who joins the IIO from the Indigenous Youth Internship Program on an annual basis. Building a three-year plan is recognition of the time required to build organizational relationships and the resources required to undertake outreach activities at a time when IIO resources are severely limited. The IIO hopes to increase in-person outreach and in the 2022-2025 plan, the following areas have been identified as strategic priorities:

- First Nations and Indigenous communities
- Vulnerable populations
- Social service providers – mental health and addiction
- Academic Institutions – secondary and post-secondary
- Police Agencies – new recruits, Tribal police, and police unions



<sup>28</sup> <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

<sup>29</sup> See the subsection entitled Subject Officers for more information.

# APPENDIX A: TERMINOLOGY

## ADVICE FILES

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

## AFFECTED PERSON

An affected person (AP) in an IIO investigation refers to the individual who may have suffered serious harm or died in a police-involved incident. If an AP dies, the families are also considered APs. The IIO uses the term “affected person” instead of labels such as “victim” or “suspect” to maintain neutrality that is consistent with the IIO mandate to conduct fair and impartial investigations.

## AFFECTED PERSONS LIAISON

The IIO has two full-time Affected Persons Liaisons (APL) to ensure frequent and ongoing contact between the investigators and the affected persons or their family if the affected person is deceased.

The IIO’s Affected Persons Program connects the APLs to work one-on-one with the affected person and/or their family to ensure they receive regular and accurate information and are updated on the progress of the investigation. Additionally, the APLs refer affected persons and/or their family with resources in their community, based on individual needs and preferences.

## CHIEF CIVILIAN DIRECTOR (CCD)

The IIO is led by a Chief Civilian Director (CCD) who must not have ever served as a police officer. The CCD’s responsibility is to provide oversight to each investigation and make the final decision on the conclusion of the file with consideration of the evidence presented and of the input of the investigators and General Counsel. The CCD is eligible to be appointed to serve a maximum of two five-year terms by Order in Council.

## CONCLUDING AN INVESTIGATION

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

If the CCD determines the facts do not support a referral to Crown Counsel, a public report may be issued which presents the chronology of the events, facts gathered and the rationale for the decision. In some circumstances, when it may not be in the public interest to issue a public report the IIO will close a file without issuing one.

## CONCURRENT INVESTIGATIONS

IIO investigations are often conducted concurrently with other agencies' investigations including the BC Coroners Service, in the case of a fatality, or a police agency when the affected person is facing criminal charges related to the same incident.

## CROWN COUNSEL

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

## INDEPENDENT INVESTIGATIONS OFFICE (IIO)

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

## INVESTIGATIVE STEPS

The IIO's investigative steps include, as required: ensuring that the scene is secured, preserving and obtaining evidence, identifying affected persons, locating witnesses, conducting interviews, confirming the nature of the involvement of a police officer(s), designating subject and witness officers, conducting neighbourhood canvasses, analyzing evidence and seeking forensic assistance.

## INVESTIGATORS

IIO investigators consist of both non-police and police-trained civilians. Approximately half of IIO investigators are former police officers who have NOT served as a police officer in British Columbia within five years prior to their hiring. Investigators without policing backgrounds hold significant experience in a range of investigative, legal, regulatory, and enforcement agencies. The IIO also has a specialized forensics team who perform scene examinations, along with monitoring and reviewing the work of police forensic personnel to ensure that scene processing and evidence collection is conducted to best practices.

## MANDATE

The IIO is mandated to conduct investigations into police-related incidents of death or serious harm. The IIO's jurisdiction extends to all police agencies throughout the province, whether they were on-or-off duty at the time of incident. Per the *Police Act*, police agencies are required to notify the IIO of an incident that may fall within its jurisdiction.

## NOTIFICATION & INITIAL INVESTIGATION

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

Upon notification of an incident by police, the IIO immediately has jurisdiction. The primary focus of all IIO investigations is to establish if the incident falls within the IIO's mandate. It must meet a two-part test:

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



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

## **POLICE AGENCY**

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

## **SERIOUS HARM**

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

## **SPECIAL PROVINCIAL CONSTABLES**

The IIO's jurisdiction includes any officer who operates in British Columbia. Examples of Special Provincial Constables include officers from outside of B.C. who are in the province conducting an investigation and enforcement officers within various branches of government, such as the gaming and enforcement branch.

## **SUBJECT OFFICERS**

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

## **WITNESS OFFICERS**

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

# APPENDIX B: STATISTICAL DATA

## IIO Investigations - Firearm Classification in Fiscal Year 2021-2022

Case Number	Incident Date	Incident Classification	Agency	Status <sup>30</sup>
2021-119	May 8, 2021	Serious Harm	RCMP – Ucluelet	Investigation in Progress
2021-137	May 31, 2021	Serious Harm	RCMP – Prince George	Investigation in Progress
2021-142	June 6, 2021	Serious Harm	RCMP – Merritt	Concluded <sup>31</sup>
2021-179	July 8, 2021	Death	RCMP – Campbell River	Investigation in Progress
2021-228	August 17, 2021	Serious Harm	Municipal – Vancouver Police Department	Concluded <sup>32</sup>
2021-245	August 31, 2021	Death	RCMP – Quesnel	Investigation in Progress
2021-256	September 12, 2021	Death	Municipal – Victoria Police Department	Investigation in Progress
2021-271	October 5, 2021	Serious Harm	RCMP – Richmond	Investigation in Progress

## IIO Investigations Referred to Crown Counsel for Consideration of Charges in Fiscal Year 2021-2022

Case Number	Incident Date	Incident Classification	Involved Agency	Date Referred
2019-201	October 28, 2019	Death	RCMP – Salmon Arm & Sicamous	December 10, 2021
2020-042	February 26, 2020	Serious Harm	Municipal – Abbotsford Police Department	April 15, 2021
2020-045	March 2, 2020	Serious Harm	Municipal – Abbotsford Police Department	April 22, 2021
2020-046	March 3, 2020	Serious Harm	Municipal – Vancouver Police Department	June 15, 2021
2020-067	April 12, 2020	Death	RCMP – Prince George	March 28, 2022
2020-068	April 14, 2020	Serious Harm	RCMP – Sicamous	October 22, 2021
2020-110	May 31, 2020	Serious Harm	RCMP – Williams Lake	April 8, 2021
2020-138	June 23, 2020	Serious Harm	RCMP – Kamloops	October 13, 2021
2020-183	July 30, 2020	Serious Harm	RCMP – Prince George	February 23, 2021
2020-285	October 25, 2020	Serious Harm	RCMP – Williams Lake	October 14, 2021

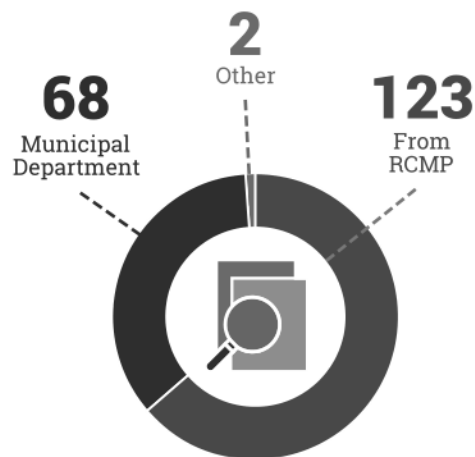
30 Status as at March 31, 2022. For the most recent status, please refer to the IIO's cases page: <https://iiobc.ca/cases/>

31 <https://iiobc.ca/media/iio-reaches-decision-in-june-2021-officer-involved-shooting-incident-in-merritt-2021-142/>

32 <https://iiobc.ca/media/iio-reaches-decision-in-august-2021-officer-involved-shooting-in-vancouver-2021-228/>

Case Number	Incident Date	Incident Classification	Involved Agency	Date Referred
2020-302	November 4, 2020	Serious Harm	Other – Metro Vancouver Transit Police	September 28, 2021
2021-157	June 19, 2021	Serious Harm	RCMP – Langley	December 6, 2021

#### Distribution of Notifications by Agency (Excluding advice files)



RCMP	District	Freq
Anahim Lake Detachment	North	1
BC Highway Patrol	Lower Mainland	7
Burnaby Detachment	Lower Mainland	1
Burns Lake Detachment	North	1
Campbell River Detachment	Island	2
Castlegar Detachment	Southeast	1
Chetwynd Detachment	North	1
Chilliwack Detachment	Lower Mainland	1
Comox Valley Detachment	Island	3
Coquitlam Detachment	Lower Mainland	7
Dawson Creek Detachment	North	3
Integrated Police Dog Service	Lower Mainland	1
Elk Valley Detachment	Southeast	1

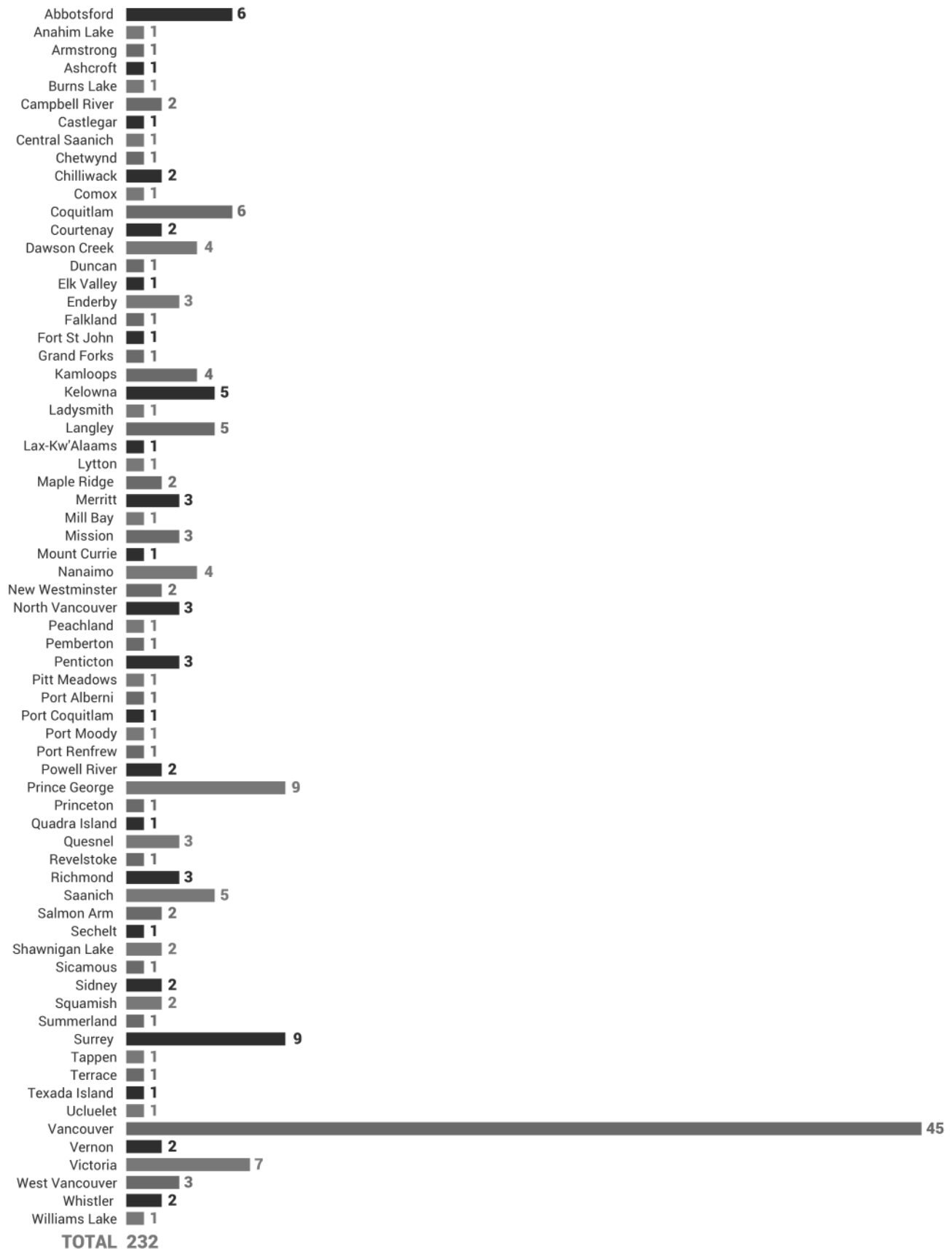
RCMP	District	Freq
Fort St John Detachment	North	1
Grand Forks Detachment	Southeast	1
Kamloops Detachment	Southeast	4
Kelowna Detachment	Southeast	5
Langley Detachment	Lower Mainland	3
Lytton Detachment	Southeast	1
Merritt Detachment	Southeast	3
Mission Detachment	Lower Mainland	3
Nanaimo Detachment	Island	5
North Cowichan/Duncan Detachment	Island	2
North Okanagan Detachment	Southeast	7
North Vancouver Detachment	Lower Mainland	3
Pemberton Detachment	Lower Mainland	2

RCMP	District	Freq
Penticton Detachment	Southeast	3
Port Alberni Detachment	Island	1
Powell River Detachment	Island	3
Prince George Detachment	North	8
Prince Rupert Detachment	North	1
Quadra Island Detachment	Island	1
Quesnel Detachment	North	3
Other RCMP	Lower Mainland	1
Revelstoke Detachment	Southeast	1
Richmond Detachment	Lower Mainland	3
Ridge Meadows Detachment	Lower Mainland	3
Salmon Arm Detachment	Southeast	3
Shawnigan Lake Detachment	Island	1
Sicamous Detachment	Southeast	1
Sidney/North Saanich Detachment	Island	2
Sooke Detachment	Island	1
Squamish Detachment	Lower Mainland	2
Sunshine Coast Detachment - Sechelt	Lower Mainland	1
Surrey Detachment	Lower Mainland	9
Terrace Detachment	North	1
Ucluelet Detachment	Island	1
West Shore Detachment	Island	1
Whistler Detachment	Lower Mainland	1
Williams Lake Detachment	North	1
<b>Total</b>		<b>123</b>

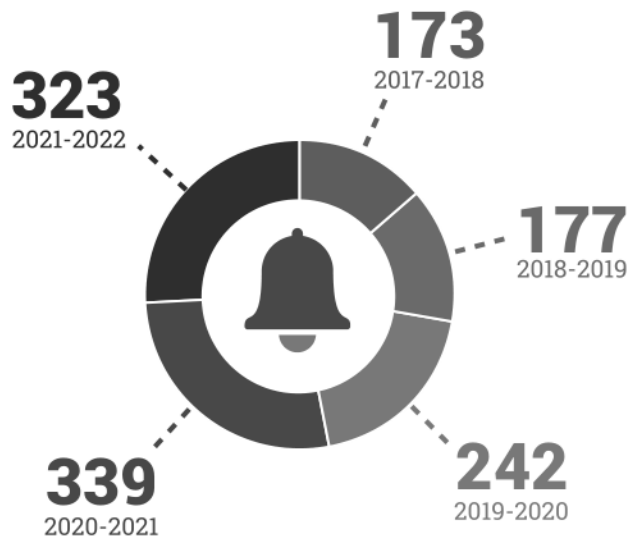
Municipal	District	Freq
Abbotsford Police Department	Lower Mainland	6
Central Saanich Police Service	Island	1
Delta Police Department	Lower Mainland	1
New Westminster Police Department	Lower Mainland	2
Port Moody Police Department	Lower Mainland	1
Saanich Police Department	Island	2
Vancouver Police Department	Lower Mainland	46
Victoria Police Department	Island	9
<b>Total</b>		<b>68</b>

Other	District	Freq
Metro Vancouver Transit Police	Lower Mainland	1
Stl'atl'imx Tribal Police Service	Southeast	1
<b>Total</b>		<b>2</b>

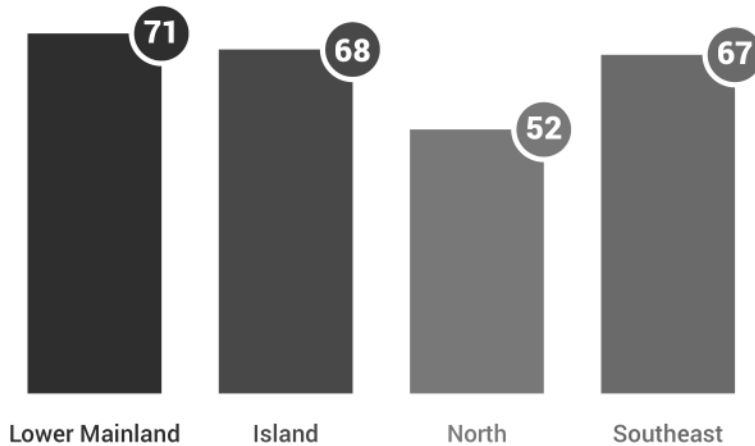
### Distribution of Investigations by Incident Location



### Total Notifications by Year



### Average Days to Conclude an Investigation in Fiscal Year 2021-2022, by Region



As of March 31, 2022. This information will continue to change until all files from this fiscal year are closed.



12<sup>th</sup> Floor, 13450 -102<sup>nd</sup> Avenue  
Surrey, B.C. V3T 5X3

**TOLL-FREE:** 1.855.552.4622

**LOCAL:** 604.586.5668

**EMAIL:** [info@iiobc.ca](mailto:info@iiobc.ca)

**TWITTER:** @iiobc

Page 44 of 52

Withheld pursuant to/removed as

s.12



Page 45 of 52

Withheld pursuant to/removed as

s.12 ; s.13

Page 46 of 52

Withheld pursuant to/removed as

s.12 ; s.13 ; s.14 ; s.18.1

Page 47 of 52

Withheld pursuant to/removed as

s.12 ; s.18.1

**MINISTRY OF ATTORNEY GENERAL AND  
MINISTRY RESPONSIBLE FOR HOUSING  
JUSTICE SERVICES BRANCH  
INFORMATION BRIEFING NOTE**

**PURPOSE:** For INFORMATION for Murray Rankin,  
Attorney General and  
Minister Responsible for Housing

**ISSUE:**

Legal Professions Regulatory Reform – Timeline

**SUMMARY:**

- A legislative project is underway to modernize the regulation of all legal service providers in BC (specifically, lawyers, notaries public and licensed paralegals).
- You have requested additional information about the history preceding this project. This note sets out a summary of some of the key initiatives and events occurring over the last 10 years that relate to:
  - The establishment of a single regulator for lawyers and notaries; and/or
  - Efforts to enable the provision of legal services by alternative legal service providers (namely, licensed paralegals).
- As evidenced by the timeline below, these two issues have at times been addressed together and at times separately.

**TIMELINE:**

**July 2012**

- The then-Attorney General and Minister of Justice (Shirley Bond) wrote to the Law Society and Notaries Society to request they work together to develop a proposal for government's consideration regarding direction for regulatory reform of legal and notary services in the province, to enhance the protection of the public interest, increase access to legal services and create efficiencies in regulation.

**August 2012**

- The two societies provide a joint response to government, advising they were of the view that a single, unified regulatory body that oversees the regulation of all legal service providers in BC including lawyers, notaries and paralegals was the optimum model.

## December 2013

- The Law Society Legal Service Providers Task Force report recommended:
  1. The Law Society seek to merge regulatory operations with the Notaries Society with the result that the Law Society would become the regulator of both lawyers and notaries in the province.
  2. That a program be created by which the regulator could provide paralegals who have met specific, prescribed education and/or training standards with a certificate that would allow them to work as “certified paralegals”
  3. That the Law Society develop a regulatory framework by which other existing providers of legal services (or new stand alone groups who are neither lawyers nor notaries) could provide credentialed and regulated legal services in the public interest.

## December 2014

- The Law Society’s Legal Services Regulatory Framework Task Force Report notes that the December 2013 report was unanimously approved by the benchers, and that the task force was given the mandate of exploring recommendation 3 above.
- It recommended that the benchers seek an amendment to the *Legal Profession Act* to permit the Law Society to establish new classes of legal service providers to engage in the practice of law, set the credentialing requirements for such individuals, and regulate their legal practice.
- Recommended that initial areas of practice in which new classes of legal service providers could be permitted to practice should include:
  - Family law
  - Employment law
  - Debtor/creditor law
  - Advocacy before administrative tribunals (subject to further discussion with administrative tribunals)
  - Advocacy in Small Claims Court (subject to further discussion with the Provincial Court)
  - Traffic court infractions in Provincial Court
  - Representation at mediations and arbitrations

## March 2018

- The-then Attorney General (David Eby) directed proceeding with amendments to the *Legal Profession Act* to allow for new legal service providers.
- A determination was made to proceed with this aspect of reform (and not the merger of the two regulators) given the two regulators had come to a standstill on the latter issue (the Ministry understands that issues of contention included representation of notaries on the board, and notaries’ scope of practice).

## September 2018

- The Law Society's Alternate Legal Service Provider Working Group released a [consultation paper](#) on family law legal service providers, which described a proposed scope of practice in the area of family law for the new category of legal service providers that would be created by the 2018 amendments.

## November 2018

- [Bill 57 -2018](#) (*Attorney General Statutes Amendment Act, 2018*) passes third reading. Amendments that would change the name of the Act to the *Legal Professions Act* and enable the benchers to regulate licensed paralegals and establish their scope of practice (by rule). These amendments will come into force by regulation.

## December 2018

- At the [Law Society 2018 AGM](#), a member's resolution was brought forward, directing the benchers:
  1. To request that the provincial government not pass regulations to bring the licensed paralegal amendments into force until the benchers have had more time to complete their consultations regarding licensed paralegals, and
  2. Not to authorize licensed paralegals to practice family law under the authority provided in the amendments to the *Legal Profession Act*.
- This resolution passed.

## September 2020

- The Law Society Licensed Paralegal Task Force releases a [report](#) proposing that instead of creating a scope of practice for licensed paralegals, the Law Society instead establish an innovation sandbox. The report notes that there are essentially two ways of facilitating the provision of legal services by non-lawyers:
  - A "top down" approach where a regulator defines a category of provider, a scope of practice, and a set of qualifications, credentials and experience, in the hope there will be interest in joining that category.
  - A "grass roots" approach where the regulator looks to "revise or recalibrate its regulatory scope" to permit the provision of legal services by providers who may already be providing services.
- The Task Force recommended the Law Society follow the second option and establish a sandbox that would create space that will let a marketplace develop that might address the unmet or underserved legal needs of the public.
- The Task Force's recommendation was approved at the October 30, 2020 benchers meeting.

### **Approximately late 2020 / early 2021**

- The Law Society began operating an [innovation sandbox](#) as a pilot project.
- If a proposal is accepted, the sandbox participant is issued a “no action” letter which means the Law Society will not prosecute the proponent for the unauthorized practice of law.
- There are currently 23 participants in the sandbox.

### **March 2022**

- Then Attorney General wrote to the presidents of the Law Society and Notaries Society outlining several proposed changes to the existing regulatory framework for legal service providers in BC:
  - regulating all legal professionals in B.C. under a single statute and by a single regulator;
  - establishing a mandate for the regulator that clarifies its duty to protect the public, including the public’s interest in accessing legal services and advice;
  - establishing a modern regulatory framework that is consistent with best practices in professional regulatory governance; and
  - establishing clearly defined scopes of practice for each regulated profession with procedures to allow for expanded scopes as needed.
- An [Information Bulletin](#) was published, sharing this information with the public.

### **March 2022 – June 2022**

- Ministry staff met regularly with senior staff from the Law Society and Notaries Society and the president of the BC Paralegal Association to discuss contemplated reforms in more detail.
- These meetings helped inform the contents of the draft intentions paper, which has not yet been published.

### **June 22, 2022**

- At the Law Society’s 2022 AGM, a member’s resolution was brought forward which opposed proposed legislation to create a single regulator of legal services. The resolution passed (1475 votes in favour, 648 opposed). Of note, there are approximately 16,000 eligible voters. Also of note, this motion was brought on the basis of the information shared in the information bulletin published in March 2022, as no additional information about the proposed reforms has yet been made public.

**PREPARED BY:**

Katie Armitage  
Legal Counsel  
Justice Services Branch  
778.677.5963

**APPROVED BY:**

Andrea Buzbuzian  
A/Executive Director  
Justice Services Branch  
778.974.3682

**APPROVED BY:**

Paul Craven  
A/Assistant Deputy Minister  
Justice Services Branch  
778.698.9333

**This document may contain information that is protected by solicitor client privilege. Prior to any disclosure of this document outside of government, including in response to a request under the Freedom of Information and Protection of Privacy Act, the Ministry in possession of this document must consult with the lawyer responsible for the matter to determine whether information contained in this document is subject to solicitor client privilege.**