

September 20, 2021

Delivered via Email

Grand Chief Stewart Philip
Chief Don Tom
Kukpi7 Judy Wilson
Executive Committee
Union of B.C. Indian Chiefs

Harsha Walia
Executive Director
BC Civil Liberties Association

Meenakshi Mannoe
Criminalization & Policing Campaigner
Pivot Legal Society

Dear Grand Chief Philip, Chief Tom, Kukpi7 Wilson, Executive Director Walia, and Criminalization & Policing Campaigner Mannoe:

Thank you for your letter dated September 8, 2021 regarding the death of an Indigenous man in Campbell River on July 8, 2021, and the recommendations you have provided therein. I intend no disrespect to the deceased by not using their name, but I am bound by privacy legislation not to release or confirm personal information without appropriate consent.

Since the incident occurred, the IIO has been working in consultation with the family of the affected person and Indigenous and civil rights organizations. The IIO is also developing a process to involve an Indigenous observer in the investigation. The civilian monitor, outlined in the *Police Act* as your letter noted, is a restrictive role, including the requirement not to share details of an active investigation. The IIO is therefore exploring alternative options. I am pleased to confirm that we expect to have an observer in place shortly.

Regarding the recommendation to appoint an Indigenous investigator, I have spoken publicly before about the need to ensure IIO employees have diverse backgrounds and experiences and are representative of the population we serve here in BC. However, as I mentioned during my presentation to the Special Committee to Reform the Police Act earlier this year¹, there are some

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¹ <https://www.leg.bc.ca/parliamentary-business/committees-calendar/20210208-rpa-0900>

barriers to our ability both to identify the current diversity of employees due to privacy legislation, as well as legislated requirements in the *Police Act* that require any individual appointed as an investigator have investigative experience. We have taken steps to improve our hiring of people from diverse backgrounds within the current restrictions, including engaging with Indigenous organizations to publicize a recent investigator recruitment process we held. Additionally, as I stated in the presentation, the IIO supports changes to the *Act* that will enhance our ability to better serve our communities.

As is the case with recruitment of investigators, some of the other points you raise also require legislative changes which are beyond the scope of what the IIO can undertake directly. Namely, the IIO cannot mandate the requirement to appoint a civilian monitor nor allocate funding to legal aid. However, the IIO supports measures that increase public trust in civilian oversight of law enforcement, and in turn contribute to faith in police accountability.

Yours very truly,



Ronald J. MacDonald, QC
Chief Civilian Director