



ACCOUNTABLE | PRINCIPLED | IMPARTIAL

2015-2016 Annual Report



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**ATTORNEY GENERAL  
MINISTER OF JUSTICE**

Room 104  
Legislative Building  
Winnipeg, Manitoba CANADA  
R3C 0V8

The Honourable Janice C Filmon, C.M., O.M.  
Lieutenant-Governor of Manitoba  
Room 235 Legislative Building  
Winnipeg MB R3C 0V8

MAY IT PLEASE YOUR HONOUR:

It is my pleasure to present the *2015 Annual Report of the Independent Investigation Unit of Manitoba*.

The inaugural fiscal year of the IIU represents a nine-month period from June 19, 2015 to March 31, 2016. This report details the unit's accomplishments and activities during the nine-month period.

Respectfully submitted, 

*Original signed by the Honourable Heather Stefanson*

Honourable Heather Stefanson  
Minister of Justice  
Attorney General



The Honourable Heather Stefanson  
Minister of Justice and Attorney General  
Room 104 Legislative Building  
Winnipeg MB R3C 0V8

Dear Minister:

Re: Independent Investigation Unit of Manitoba 2015/16 Annual Report

In accordance with section 64(1) of The Police Services Act, I am pleased to submit the inaugural annual report of the Independent Investigation Unit of Manitoba.

This report details the Independent Investigation Unit's activities for the nine month period June 19, 2015 to March 31, 2016.

Yours truly,

*Original signed by Zane Tessler*

Zane Tessler  
Civilian Director

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Madame Heather Stefanson  
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**Objet : Rapport annuel 2015-2015 de l'Unité d'enquête indépendante du Manitoba**

Madame la Ministre,

Conformément au paragraphe 64(1) de la Loi sur les services de police, j'ai l'honneur de vous présenter le premier rapport annuel de l'Unité d'enquête indépendante du Manitoba.

Ce rapport présente en détail les activités de l'Unité d'enquête indépendante pour la période de neuf mois allant du 19 juin 2015 au 31 mars 2016.

Je vous prie d'agréer, Madame la Ministre, l'expression de ma haute considération.

Le directeur civil,

*Original signed by Zane Tessler*

M. Zane Tessler

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## MESSAGE FROM THE CIVILIAN DIRECTOR

It is my privilege to present the inaugural annual report of the Independent Investigation Unit (IIU).

The establishment of the IIU was one of the cornerstones of Manitoba's new Police Services Act, legislation that modernized the laws, rules and expectations of policing in the province. The IIU has the most comprehensive investigation model of its kind in Canada and has province-wide jurisdiction over police, including First Nations, Royal Canadian Mounted Police (RCMP) and municipal police services. The IIU is required to assume responsibility for any investigation that involves death, serious injury or an allegation of a breach of a prescribed provision of the Criminal Code of Canada or other designated federal and provincial legislation that arises from the actions of a police officer in Manitoba, whether on or off duty at that time. The unit may also assume any other investigation it considers advisable and in the public interest to investigate. Its role is to ensure a more transparent and independent way to investigate serious incidents involving police.

The unit took form in March 2013, following my appointment as the civilian director and the work to create and construct the IIU began in earnest. A management infrastructure was assembled as the unit grew to five staff. Similar offices in other provinces were extensively studied and many consultations on key issues were held with the public, community groups, police services, First Nations leaders and other stakeholders to help mold an office that would best serve Manitoba's needs.

Policies, procedures, work environments and staffing requirements were at the forefront in establishing the structure of the IIU. The process to develop the investigative arm of the IIU began in late 2014 and

continued through the first quarter of 2015. An open competition was conducted and attracted many candidates for the unit's investigator positions. By the end of March 2015, seven investigators were hired as full time employees for the IIU. Collectively, these individuals brought decades of investigative experience and excellence from diverse backgrounds across Canada and abroad. On June 19, 2015, the IIU became fully operational, with 13 staff in place.

Within days of the opening of the IIU, the first notification of a mandated investigation was received. By the end of the fiscal year (March 31, 2016), police services in Manitoba made 36 notifications to the IIU. Of those, 29 notifications were within the unit's mandate and 17 resulted in IIU-led investigations, of which 8 involved fatalities and 6 involved serious injuries. The IIU has deployed investigators throughout the province. In those investigations involving a fatality, civilian monitors were appointed by the Manitoba Police Commission to support the accountability of the investigation.

The ultimate goal of the IIU is to ensure the public will trust our work, have confidence in our findings and be assured of the integrity, independence and professionalism of the unit. As the IIU enters its second year of operations, we are steadfast in our commitment to this goal.

*Original signed by Zane Tessler*

Zane Tessler  
CIVILIAN DIRECTOR



## ABOUT THE IIU

Following the recommendations of the Taman Inquiry in 2008 and the earlier Aboriginal Justice Inquiry, as well as reviews of best practices in other jurisdictions and extensive consultations with key stakeholders, Manitoba introduced The Police Services Act in 2009. The new act replaced the antiquated Provincial Police Act and changed and modernized policing in the province.

Among the major changes in the new legislation was the establishment of Manitoba's first civilian-led Independent Investigation Unit (IIU). This office is mandated to conduct transparent and independent investigations of all serious incidents involving police officers in Manitoba, whether occurring on or off duty.

The IIU is a civilian agency, operating independently from Manitoba Justice.

The IIU has the authority to investigate and provide oversight on all criminal allegations involving police officers in the province, including First Nations, RCMP and municipal police forces.

There are 13 policing agencies in the Province of Manitoba and approximately 2,722 police officers.

## MISSION STATEMENT

The Independent Investigation Unit of Manitoba investigates serious incidents involving the police, with integrity, professionalism and efficiency to ensure the respect and trust of all Manitobans.

## VISION STATEMENT

Building the confidence of all Manitobans with respectful, impartial and comprehensive investigations.

## OUR VALUES

- Accountable
- Principled
- Impartial
- Independent
- Objective
- High Investigative Standards
- Timeliness
- Thoroughness

## THE MAKE-UP OF THE IIU

### CIVILIAN DIRECTOR

In accordance with The Police Services Act (PSA), the civilian director must not be a current or former member of a police service or the RCMP.

The civilian director is accountable for the administration and operation of the IIU. The civilian director provides leadership to and oversees the investigators and support staff of the unit. By law, the civilian director is required to exercise independent judgment and act independently of all agencies in making operational decisions about investigations conducted under the PSA.

### IIU INVESTIGATIVE TEAM

The IIU investigative team may consist of current or former members of a police service in Manitoba or Canada or current or former members of the RCMP. An IIU investigator may also be a civilian with investigative experience. All investigators must have met the prescribed qualifications and experience in order to be hired and are under the sole command of the civilian director.

All investigators have the powers, duties, privileges and protections of a peace officer and constable.

The IIU investigative team consists of the following key positions:

#### ■ DIRECTOR OF INVESTIGATIONS

The director of investigations supervises the IIU team commander and integrated investigative team.

The director of investigations plays a crucial and direct role in identifying all critical and emerging human resource, policy, investigative and risk-management issues, and supports and manages the strategic goals of the IIU.

#### ■ TEAM COMMANDER

The team commander is responsible for managing investigations and commanding the IIU investigative team. The team commander deploys investigators to incidents where it appears the actions of a police officer may have caused a death or serious injury<sup>1</sup> or contravened Canada's Criminal Code or other laws.

The team commander is on-call 24 hours a day, seven days a week, dispatching the IIU investigators. The team commander assesses investigative information and determines the appropriate level of response, priority and course of action. When the IIU has been notified of an incident by a chief of police, and the incident meets the mandate of the IIU, the team commander will assign a primary investigator and as many additional investigators as required.

#### ■ SENIOR INVESTIGATORS

Reporting to the team commander of the IIU, investigators are responsible for investigating assigned incidents under the PSA.

Investigators assess information received from police agencies, attend on scene, report incidents, and determine an appropriate level of response and how best to carry out an efficient investigation. They also evaluate the need for specialized assistance and support such as identification, forensic services or surveillance, and determine what evidence is required and who should be interviewed.

In accordance with the [Independent Investigations Regulation](#), IIU investigators must have experience in major crime investigations or experience conducting and managing a wide range of complex investigations.

<sup>1</sup> Serious injury is defined in the Independent Investigations Regulation 99/2015 – see Glossary of Terms for definition.



## ORGANIZATIONAL CHART

### ADMINISTRATIVE TEAM

The administrative team is responsible for the administration of the IIU office in conjunction with the civilian director. This team supports the investigative team administratively and operationally.

The IIU administrative team consists of the following key positions:

#### ■ DIRECTOR OF STRATEGIC POLICY AND CO-ORDINATION

The director of strategic policy and co-ordination (SPC) develops and implements policies for the IIU to ensure that all investigations conducted are professional, effective and consistent. The SPC makes recommendations to support and enhance operational, investigative and administrative policies.

The SPC also manages and analyzes procedural/systems reviews, feasibility studies and cost benefit studies to help ensure the effective and efficient operation of the IIU.

#### ■ OFFICE MANAGER

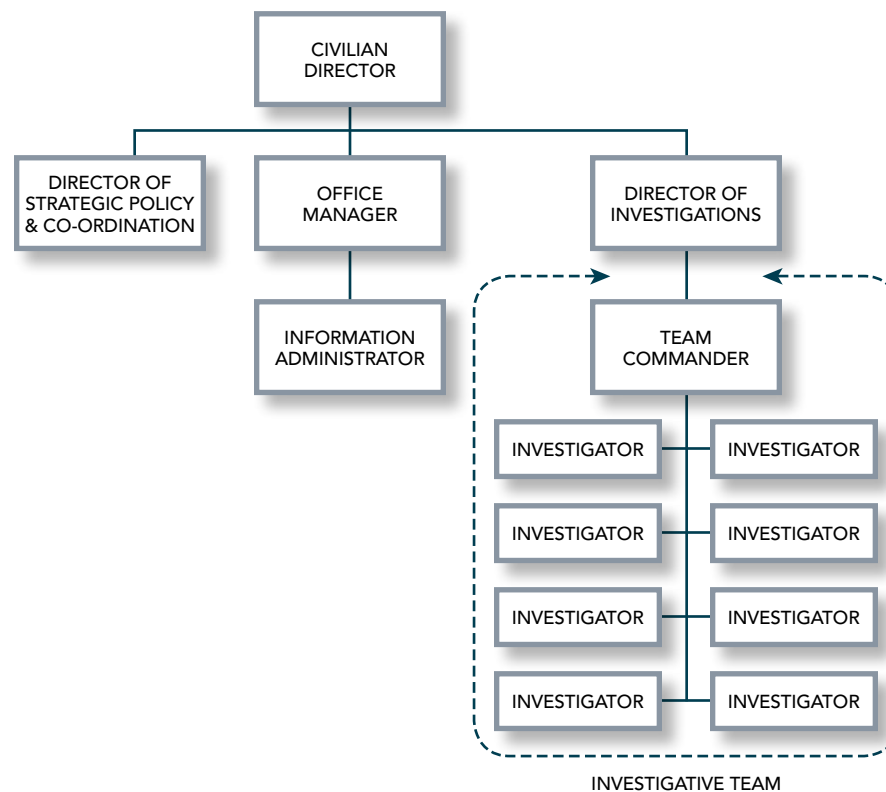
The office manager is responsible for administration of the IIU office, including purchasing, invoice payments and human resources, as well as providing dedicated support to the civilian director.

#### ■ INFORMATION ADMINISTRATOR

The information administrator (IA) is responsible for co-ordinating, verifying and organizing documents and other information pertaining to an investigation. The IA ensures that compliance requirements have been met to ensure the integrity of the records management process.

The IA is responsible for file management, document preparation, analysis and linking of information, scanning and exhibits. The IA organizes incoming data for entry into an electronic major case management application.

### INDEPENDENT INVESTIGATION UNIT OF MANITOBA March 2016



## IIU INVESTIGATIVE PROCESS

### NOTIFICATION

When a serious incident occurs that involves a police officer, the police chief (or designate) of the affected police service must notify the IIU according to the timelines outlined in the PSA.

Once contacted by the police chief, the civilian director determines if the incident falls within the mandate of the IIU and the role the IIU will assume in the investigation. The IIU can decline jurisdiction, perform a monitoring role or assume jurisdiction. (See [Glossary of Terms.](#))

### CIVILIAN MONITOR

If it appears that a police officer may have caused the death of a person, the IIU civilian director must ask the chair of the Manitoba Police Commission to assign a civilian monitor to the investigation. The civilian director may also request a civilian monitor in any other case where he considers it in the public interest to involve a monitor.

The civilian monitor program falls under the mandate of the Manitoba Police Commission.

### INVESTIGATION

Once the civilian director determines the IIU should investigate an incident, an investigative team is assigned. The director of investigations and team commander decide on the number of investigators to be deployed and assign their roles.



The IIU investigative team is responsible for:

- safety of all persons on scene
- preservation of life and treatment of injured
- scene examination and securing of physical evidence
- documentation of scene
- identifying and securing cooperation of witnesses
- seizing of police equipment for forensic examination
- consulting with the medical examiner if there has been a death
- notifying next of kin

The IIU investigative team performs all tasks required in order to gather all the facts and evidence required for each file. Throughout the course of the investigation the investigative team prepares internal reports and attends briefings in order to keep the director of investigations and team commander apprised of all aspects of the investigation.

## HIGHLIGHTS OF 2015-2016

### REPORTING

Upon completing the investigation, the primary investigator submits a report to the civilian director, outlining all aspects of the investigation.

If the civilian director determines an officer has committed an offence, he may lay charges against the subject officer or refer the matter to Manitoba Prosecutions Service for a Crown opinion as to whether the officer should be charged.

If the civilian director determines that no charges are warranted, all parties involved are advised of that decision.

The civilian director's decision is publicly released.

In every investigation, the IIU strives to strike the proper balance between disclosing as much information as possible to the public while guarding the privacy of affected persons, protecting witness confidentiality and maintaining the integrity of the investigation.

### OUR EARLY DAYS

The IIU officially became operational in June 2015 but significant work was underway well before that date, beginning with the appointment of Zane Tessler as the inaugural civilian director in March 2013.

Throughout 2014 and 2015, the newly-hired management team developed an inventory of stakeholders that had an interest in the development of the IIU and reached out to these stakeholders to share the vision of the IIU and to hear any concerns of these individuals and groups. As well, the civilian director, director of investigations and the team commander attended conferences and forums in order to educate stakeholders and raise awareness of the IIU and its mandate.

In building its investigative team, the IIU researched best practices and hiring models to ensure only the most competent persons would be recruited and selected. On May 4, 2015, senior investigators commenced employment with the IIU and began an intense four week training and orientation session.





## INVESTIGATOR TRAINING AND ORIENTATION

The IIU Investigator Orientation and Training Program was designed to enhance the IIU senior investigators' knowledge and skills to handle complex police officer-involved investigations. The dynamics of the investigative process are changing rapidly with new investigative technologies, the implications of the new Police Services Act and IIU regulations, as well as disclosure concerns and privacy issues. Communities also expect a high level of investigative rigor and increased accountability from the IIU. Therefore, prior to implementing the training plan, the IIU management team identified the importance of continuous learning and training as a strategic goal.

The program was designed to provide senior investigators with intensive training in investigative, operational and administrative principles and practices. In a demanding four-week course, the IIU brought together a cadre of top subject matter experts from the public and private sector. The focus of the adult learning model was to advance leadership and stimulate critical thinking and problem-solving. The senior investigators emerged with an enhanced understanding of advanced independent investigation strategies, including major case management principles and updates, effective leadership, and enhanced awareness of The Police Services Act. They also learned about IIU regulations, risk assessment, IIU policy and procedure, cultural awareness training, enhanced use of force intervention tools, and the identification of best practices and resources necessary for fulfilling current or future IIU responsibilities.



## OFFICIAL OPENING OF THE IIU

The IIU officially launched operations on June 19, 2015.

The civilian director and investigative team attended an opening ceremony in the presence of the Chief Judge of the Provincial Court of Manitoba, Ken Champagne. The IIU investigative team swore or affirmed the IIU Oath of Office, administered by Chief Judge Champagne, and was officially ready for its first investigation, which came just three days later.

## INVESTIGATIONS 2015-2016

Number of investigations started <sup>2</sup> in 2015-2016	17
Number of investigations concluded <sup>3</sup> in 2015-2016	8
Number of charges laid and charge	1 Assault Cause Bodily Harm (s.267)
Number of investigations where civilian monitor appointed	8

### NOTIFICATIONS

In the fiscal year 2015-2016, the IIU received 29 notifications under Part 7, Division 2 of The Police Services Act.

If the incident relates to a death or serious injury the IIU must assume responsibility for the investigation and deploy an investigative team.

If the incident does not relate to a death or serious injury, the civilian director will review the information provided by the police agency and determine what role, if any, the IIU will assume in the investigation.

Of the 29 notifications the IIU received in this reporting period, the IIU assumed jurisdiction on 17 investigations, declined jurisdiction on one and performed a monitor role on 11 investigations. (See [Glossary of Terms](#) for definitions.)

### TOTAL NOTIFICATIONS PER AGENCY

#### IIU Notifications

RCMP	17
WPS	9
DOPS	2
BPS	1
<b>Total Notifications</b>	<b>29</b>

#### IIU Monitor Role

RCMP	7
WPS	3
DOPS	1
<b>Total Monitor Incidents</b>	<b>11</b>

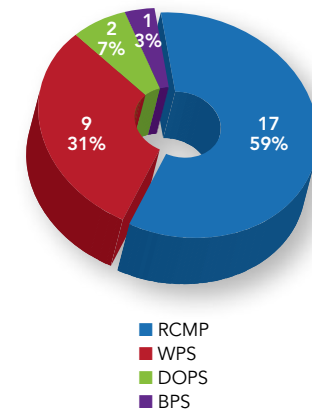
#### Decline Jurisdiction

DOPS	1
<b>Total Declined Incidents</b>	<b>1</b>

#### Assume Jurisdiction

RCMP	10
WPS	6
BPS	1
<b>Total Assume Jurisdiction Incidents</b>	<b>17</b>

### TOTAL NOTIFICATIONS PER AGENCY 2015-2016 June 19, 2015 to March 31, 2016



RCMP – Royal Canadian Mounted Police  
WPS – Winnipeg Police Service  
DOPS – Dakota Ojibway Police Service  
BPS – Brandon Police Service

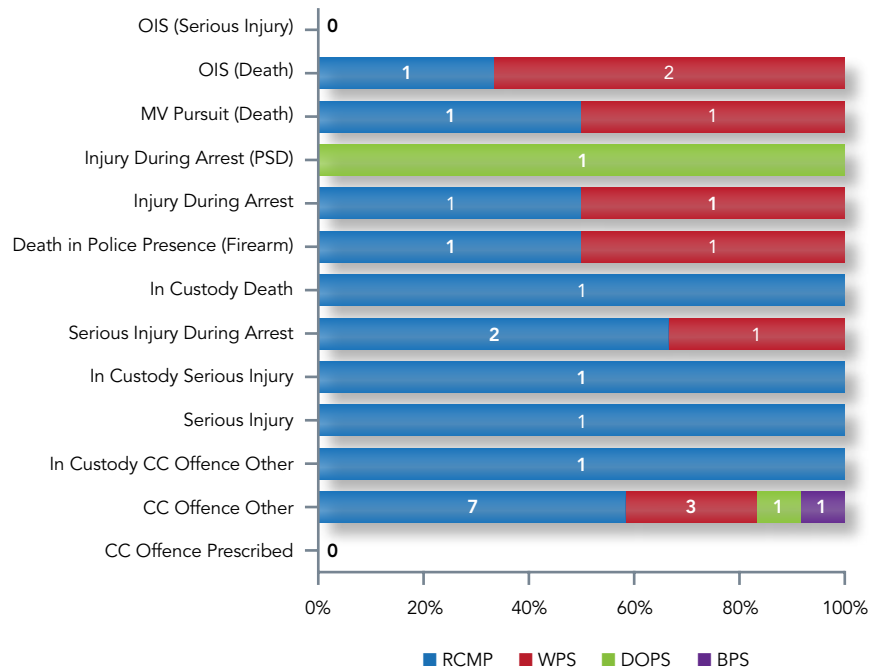
<sup>2</sup> Investigations where the IIU has assumed jurisdiction over an incident. This does not include any incidents where the IIU has assumed a monitor role or incidents where the IIU has declined jurisdiction.

<sup>3</sup> An investigation is concluded upon the determination of the IIU civilian director.

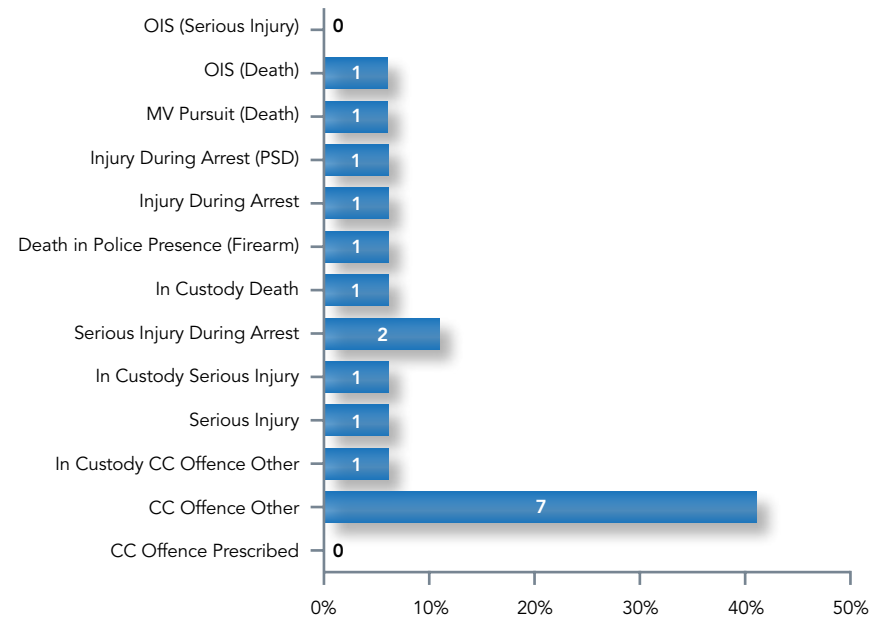
## TYPES OF NOTIFICATIONS BY AGENCY

### TYPES OF INVESTIGATIONS BY AGENCY

June 19, 2015 to March 31, 2016



## TYPES OF OCCURRENCES BY PERCENTAGE



RCMP – Royal Canadian Mounted Police  
 WPS – Winnipeg Police Service  
 DOPS – Dakota Ojibway Police Service  
 BPS – Brandon Police Service



## TYPES OF OCCURRENCES BY FISCAL YEAR

Types of Occurrences	2015-2016
Criminal Code Offence Other	12
In Custody Criminal Code Offence Other	1
Serious Injury	1
In Custody Serious Injury	1
Serious Injury During Arrest	3
In Custody Death	1
Death in Police Presence (Firearm)	2
Injury During Arrest	2
Injury During Arrest (Police Service Dog)	1
Motor Vehicle Pursuit (Death)	2
Officer Involved Shooting (Death)	3
<b>Totals</b>	<b>29</b>

## NUMBER OF MALE AND FEMALE AFFECTED PERSONS BY OCCURRENCE TYPE

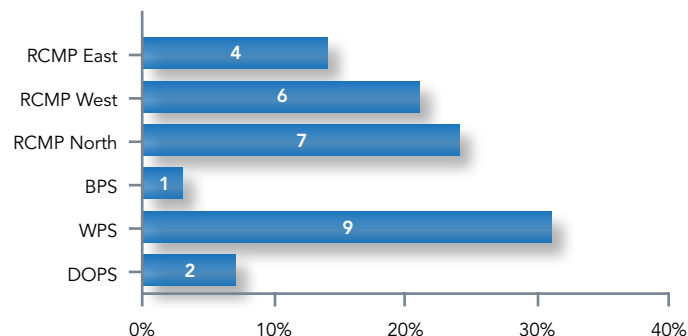
Types of Occurrences	Male	Female
Criminal Code Offence Other	2	6
In Custody Criminal Code Offence Other	0	1
Serious Injury	0	1
In Custody Serious Injury	1	0
Serious Injury During Arrest	3	0
In Custody Death	0	1
Death in Police Presence (Firearm)	2	0
Injury During Arrest	1	2
Injury During Arrest (Police Service Dog)	1	0
Motor Vehicle Pursuit (Death)	5	2
Officer Involved Shooting (Death)	3	1
<b>Totals</b>	<b>18</b>	<b>14</b>

## NUMBER AND PARTICULARS OF CHARGES LAID BY THE IIU

For the fiscal year 2015-2016, one police officer was charged with a Criminal Code offence. This incident was an off-duty domestic incident, resulting in a charge of assault cause bodily harm (s. 267 of the CC).

## IIU CASE BREAKDOWN BY POLICE REGION

### NOTIFICATIONS BY POLICING REGION



## FINANCIALS

The IIU expenditures for the financial year:

Full-time equivalents (FTEs)	14.00 <sup>4</sup>
Total salaries (\$000s)	\$1,249
Total other expenditures (\$000s)	\$ 493

<sup>4</sup> One vacant investigator position in 2015-16.

## GLOSSARY OF TERMS

### Decline Jurisdiction

No involvement of the IIU in the investigation.

### Assume Jurisdiction

IIU takes over jurisdiction for the investigation of the incident.

### Monitor

IIU monitors the investigation being conducted by the police agency but does not assume, direct or have any other role in that investigation.

### Custody

Individual deemed in custody when a restriction of freedom has occurred – detention and arrest.

### Serious Injury

- (a) fracture of the skull, jaw, vertebrae, rib, humerus, radius, ulna, femur, tibia, or fibula
- (b) burns, cuts or lacerations that require admission to a hospital on an in-patient basis
- (c) the loss of any part of the body
- (d) the loss of vision or hearing
- (e) internal injuries that require admission to a hospital on an in-patient basis
- (f) any injury caused by the discharge of a firearm