



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

Minister David Eby, QC
Attorney General
Province of British Columbia

Via Email

September 8, 2021

Dear Director MacDonald and Minister Eby,

RE: POLICE-INVOLVED KILLING OF MR. JARED LOWNDES

Two months ago, on July 8, 2021 Jared Lowndes (Wet'suwet'en, Laksilyu Clan) was killed in an officer-involved shooting in Campbell River BC. In the aftermath of Jared's death, the First Nations Leadership Council has called for "justice, accountability, an inquest, and a higher level of oversight."¹ Following Mr. Lowndes' death, an investigation was set up by the Independent Investigations Office (IIO) of BC.

The investigation into Mr. Jared Lowndes' death, IIO Case 2021-179,² has been open for two months without any public update regarding the appointments of an Indigenous investigator or civilian monitor, despite public calls set out by his family.³ This investigation marks the fourth civilian investigation into the police shooting of an Indigenous resident of Vancouver Island in over a year.⁴ Statistics reveal the ongoing, enduring level of police violence inflicted upon Indigenous communities, and a 2020 analysis done by CTV news found that an Indigenous person in Canada is over 10 times more likely to be shot and killed by a police officer since 2017, compared to a white person.⁵ The IIO's 2020-21 Annual Report reflects this, reporting that over 25% of affected persons who provided their ethnicity to the agency identified as Indigenous.⁶

Mr. Lowndes' death was followed by a hateful, racist backlash, including online and the destruction of a memorial site set up for him in Campbell River. Additionally, Brian Sauv , Director of the National Police Federation issued an inappropriate media release, blaming Mr. Lowndes for his own police-involved death.⁷ These remarks reflect the deeply structural racism of policing and more broadly the criminal justice system, where Indigenous people

¹ https://www.ubcic.bc.ca/justice_for_jared_fnlc_outraged_at_rcmp_s_fatal_shooting_and_dehumanizing_treatment

² <https://iio.bc.ca/media/iio-is-investigating-an-officer-involved-shooting-in-campbell-river-2021-179/>

³ <https://www.aptnnews.ca/national-news/changes-are-needed-to-how-police-are-investigated-in-b-c-says-family-advocates/>

⁴ <https://vancouverisland.ctvnews.ca/b-c-first-nations-leaders-call-for-inquest-after-man-killed-by-campbell-river-rcmp-1.5508790>

⁵ <https://www.ctvnews.ca/canada/why-are-indigenous-people-in-canada-so-much-more-likely-to-be-shot-and-killed-by-police-1.4989864>

⁶ https://iio.bc.ca/app/uploads/sites/472/2021/07/IIO-Annual-Report_2020_2021.pdf at page 20

⁷ <https://www.timescolonist.com/news/local/rcmp-union-rejects-family-s-criticism-in-campbell-river-police-shooting-1.24343212>

are treated as “inherently criminal.”^{8,9} Neither police forces, nor oversight bodies, have undertaken sufficient work to eradicate structural racism within their policy or operations.

The current status quo of police and police oversight reflects the diminished importance that these organizations place on Indigenous peoples’ safety. In response, we have outlined 4 recommendations that the IIO and the Attorney General must undertake to address the severe injustices outlined above.

1. Appoint an Indigenous Civilian Monitor Immediately

The chief civilian director to appoint an Indigenous civilian monitor to review and assess the integrity of the investigation into Mr. Lowndes’ death. This must be done without haste. The *Police Act* section 38.08 sets out this ability.

2. Mandate the Involvement of an Indigenous civilian monitor

The IIO and the Attorney General to update legislation and policy to mandate the inclusion of an Indigenous civilian monitor whenever an Indigenous person is identified as an affected party in an incident of death, serious harm, or reportable injury. The *Police Act* must be updated to include this responsibility.

3. Appoint an Indigenous Investigator Immediately

The IIO must appoint an Indigenous Investigator to conduct the investigation into Mr. Lowndes’ death. This Investigator plays a crucial role in these investigations, including “set[ting] priorities and direction to ensure maximizing of evidential opportunities.”¹⁰ Investigations into police-involved incidents of death and serious harm that impact Indigenous people must be undertaken with cultural safety and humility.

4. Support Access to Justice for Survivors

The IIO and the Attorney General to develop a framework for access to justice for families and survivors of police-involved violence. Specifically, we call for the provincial government to Dedicate legal aid funding for family members during IIO investigations, Coroners’ Inquests, or independent commissions of inquiry relating to incidents of death or serious harm that may have been the result of the actions of a police officer, whether on or off duty.

Sincerely,

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 Manno
Criminalization & Policing Campaigner
Pivot Legal Society

⁸ <https://yellowheadinstitute.org/2020/07/15/police-brutality-in-canada-a-symptom-of-structural-racism-and-colonial-violence/>

⁹ https://www.cbc.ca/news/canada/saskatchewan/andre-bear-op-ed-justice-boushie-stonechild-1.6150558?fbclid=IwAR01vph16b-EimX_X0uCPWF2gB6ri7xzMM1OtnuJ_rOG_3tPzbUIRRb5Gk

¹⁰ <https://iibc.ca/faqs/what-are-my-responsibilities-at-the-scene-of-an-iio-investigation/>