



**PIVOT**  
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October 24, 2013

Mr. Richard Rosenthal  
Chief Civilian Director  
Independent Investigations Office  
12<sup>th</sup> Floor  
13450-102<sup>nd</sup> Avenue  
Surrey, BC V3T 5X3

**RE: Review of IIO investigation into fatal shooting of Gregory Matters**

Dear Mr. Rosenthal:

We thank you for recently discussing this matter with us over the phone. We know that you have a strong commitment to excellence in your investigations and public reporting. It is because our organizations strongly desire that the Independent Investigations Office of BC earns and maintains the confidence of the public that we write to you today.

Each of us has spoken to you recently about your investigation into the September 10, 2012 fatal shooting of Gregory Matters by the RCMP in Prince George, British Columbia. In particular, we questioned why that the IIO public report states that an ERT officer shot Mr. Matters twice in the chest when, according to accounts of evidence from the Coroner's Inquest, the officer shot Mr. Matters twice in the back (with no front shots). You explained to each of us that that detail was left out in the public report. You also explained that the evidence, according to the pathology report, was that Mr. Matters was shot in the left lower chest and left lower back.

Two journalists, Canadian Press reporter Dene Moore, and CBC reporter Marissa Harvey, as well as the lawyer for the Matters family, Cameron Ward, have confirmed to us that pathologist Dr James Stephen gave evidence at the Coroner's Inquest that Mr. Matters was, in fact, shot twice in the back, and not in the chest.

We are troubled by the apparent discrepancies between (1) the description of the gunshot wounds in the public investigation report, (2) your account of this evidence over the phone, and (3) the evidence presented by the pathologist during the Coroner's inquest.

The evidence in question—whether Matters was shot in the chest or back—is crucial and basic. Whether or not it would have changed your conclusion as to whether any officer may have committed a criminal offence in this case, there can be no dispute that Matters being shot in the back is a highly relevant and material fact to be considered and publicly reported in the IIO investigation. The fact that your public report fails to present this evidence accurately raises significant questions about your investigation into the fatal shooting of Mr. Matters by the RCMP. We are also troubled by apparent discrepancies between the IIO public report and the evidence – as we understand it - of the pathologist in the inquest in relation to bullet trajectory.

As we are certain you appreciate, this is a particularly regrettable situation given that the Matters case was the first IIO investigation and because the case involves such a tragic and unnecessary death. As you have pointed out clearly and publicly on a number of occasions, in order for the IIO to build public confidence, investigations must be done to a very high standard. We share your view of this and believe that it is a key part of the IIO building trust and confidence over time, especially in light of the criticism from some quarters about the presence of former police officers on staff. We have publicly voiced our optimism for the work of the IIO and furthermore, called for expansion of its mandate and resources. We have also said that we will continue to watch the IIO as it conducts its vital work. As organizations who have fought for civilian oversight of police and who have publicly endorsed the IIO, we have a duty to ensure that the IIO is worthy of public trust and confidence.

In order for a high level of confidence to be maintained in the IIO, a number of questions must now be answered. Some of these are: who was responsible for the error in reporting? Has the pathologist provided two differing accounts of the evidence? Did the IIO adequately investigate the matter to the point where the facts that have come out at the coroner's inquest were gathered, and analyzed?

We believe that the best course of action is to initiate a thorough review of the case by a body that is fully independent of the IIO. The results of any such review must be made public directly rather than being internal to the IIO or subject to IIO-controlled amendment. The review should be able to independently consider whether any officer may have committed a criminal offence in this case, and be able to report this to the public, the IIO and the Attorney General.

We suggest to you in the strongest possible terms that it is in the interest of public confidence in independent investigations that the IIO itself request such a review. We have no doubt of your strong commitment to getting these things right, and we think that this step would demonstrate this to the public, the government, and to stakeholders.

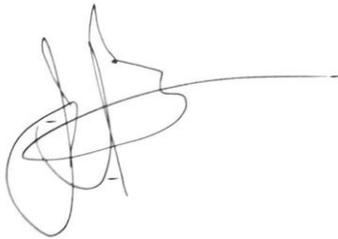
It is in all of our interests to ensure that the IIO is a credible and competent institution. We have fought long and hard for independent civilian oversight of police in British

Columbia, and we join you in the expectation that it fulfill its mandate to the highest standards.

Sincerely,

A handwritten signature in blue ink, appearing to read "Annabel Webb".

Annabel Webb, Director/Co-Founder  
Justice for Girls

A handwritten signature in black ink, appearing to read "Josh Paterson".

Josh Paterson, Executive Director  
BCCLA

A handwritten signature in black ink, appearing to read "Douglas King".

Douglas King, Lawyer  
Pivot Legal Society