



PUBLIC REPORT OF THE  
CHIEF CIVILIAN DIRECTOR

Regarding the November 18, 2013 serious  
injury of an adult male involving the Ridge  
Meadows RCMP in Maple Ridge, British  
Columbia

IIO 2013-000066

## **INTRODUCTION**

The Independent Investigations Office (IIO) is responsible for conducting investigations into all officer-related incidents which result in death or “serious harm” (as defined in Part 11 of the *Police Act*) within the province of British Columbia. As the Chief Civilian Director of the IIO (CCD), I am required to review all investigations upon their conclusion, in order to determine whether I “consider that an officer may have committed an offence under any enactment, including an enactment of Canada or another province.” (See s.38.11 of the *Police Act*). If I conclude that an officer may have committed an offence, I am required to report the matter to Crown Counsel. If I do not make a report to Crown Counsel, I am permitted by s.38.121 of the *Police Act* to publicly report the reasoning underlying my decision.

In my public report, I may include a summary of circumstances that led to the IIO asserting jurisdiction; a description of the resources that the IIO deployed; a statement indicating that the IIO, after concluding the investigation, has reported the matter to Crown Counsel; or a summary of the results of the investigation if the matter has not been reported to Crown Counsel.

This is a public report related to the investigation into the serious harm of an adult male that occurred on November 18, 2013, in Maple Ridge. The affected person sustained serious harm in conjunction with an interaction with the Ridge Meadows RCMP.

Pursuant to s.38.11 of the *Police Act*, RSBC 1996 Chapter 367, I have reviewed the concluded investigation. I do not consider that any officer may have committed an offence under any enactment and will not be making a report to Crown Counsel.

In my public report, I am only permitted to disclose personal information about an officer, an affected person, a witness, or any other person who may have been involved if the public interest in disclosure outweighs the privacy interests of the person. Prior to disclosing any personal information, I am required, if practicable, to notify the person to whom the information relates, and further, notify and consider any comments provided by the Information and Privacy Commissioner (s.38.121(5) of the *Police Act*).

In this case, I have considered the advice provided by the Information and Privacy Commissioner. I will not be disclosing names of any persons involved.

The affected person was 60 years old at the time of his injury.

## **NOTIFICATION AND JURISDICTION DECISION**

On November 18, 2013, Ridge Meadows RCMP received a call regarding a man (the affected person) who was arrestable, emotionally distressed, and may harm himself. The RCMP responded to the location of the affected person. After an interaction in which a Conducted Energy Weapon or Taser® was deployed, the affected person was noted to be in medical distress and transported to hospital in serious condition. The IIO asserted jurisdiction to determine whether the harm was the result of the action of a police officer.

## **INVESTIGATIVE EVIDENCE CONSIDERED**

IIO investigators interviewed six witness officers and reviewed a written statement provided by the subject officer. A family member of the affected person was also interviewed. Police call logs and radio transmissions were obtained, as well as an ambulance report and medical records. The scene of the incident was examined and the Conducted Energy Weapon (CEW) was seized and tested.

### **General Timeline Constructed from Police Communications and EHS patient care report**

**Police communication records** show that at 7:52 p.m. the RCMP was notified the affected person was in possession of knives and had made reference to self-harm. Call logs demonstrate a police dog unit was on scene at 8:09 p.m. and broadcast that the affected person was in a motor home and had stated he would not be taken alive. By 8:14 p.m., Ridge Meadows RCMP were on scene and the affected person was seen holding a knife to his throat. The scene was contained and negotiations with the affected person began.

Call logs show that at 9:27 p.m. the affected person was seen putting a knife down the back of his shirt. Members of the Emergency Response Team (ERT) were on scene by 9:34 p.m. and the affected person was advised he was under arrest..

At 9:41 p.m. an action plan was confirmed and the ERT was in place to enter the motor home if necessary. By 9:52 p.m. the affected person's physical condition appeared to deteriorate and consideration was given to enter the motor home due to an impending medical emergency. One minute later, the ERT commenced attempts to breach the door and EHS moved closer. At 9:57 p.m., the subject officer (SO) breached the driver's door, entered the motor home and deployed a CEW against the affected person.

At 9:58 p.m., the affected person was in custody of police and removed from the motor home. EHS reached the affected person at 10:00 p.m., transporting him to a local hospital by 10:15 p.m.

## **AFFECTED PERSON INTERVIEW**

**The Affected Person** was interviewed twice by IIO investigators. On first interview, the affected person stated the police had surrounded his motor home so he put knives to his throat, in his mouth and ears, and in his hat. He admitted to threatening to kill anyone who entered his motor home. The affected person also stated he had been saving up his medication and when police asked him to come out, he took the medication by the handful. When asked about his recollection of the police, he stated they "were all pretty, pretty reasonable, just trying to talk me out...".

Upon second interview, the affected person reiterated there were multiple knives involved, including a large knife he held at his throat. He described retreating to the rear of the motor home to hide his actions from police, hoping the pills would kill him before he was taken into custody. The affected person's last memory was taking the pills. He did not remember the CEW deployment and felt he may have been unconscious at the time.

## **FAMILY MEMBER INTERVIEW**

A family member of the affected person was interviewed. He had attended the motor home and informed police the affected person was “harmless...totally harmless”. The RCMP permitted him to stand outside the vehicle and speak to the affected person. The family member stated that during his attempts to communicate, the affected person was in possession of two knives and “had a knife to his throat”. The family member was unsuccessful in persuading the affected person to leave the motor home.

## **WITNESS OFFICER INTERVIEWS**

The IIO interviewed six witness officers, three from the Ridge Meadows RCMP and three from the Emergency Response Team (ERT). These officers were designated Witness Officer 1 (WO1) through Witness Officer 6 (WO6).

**Witness Officer 1** (WO1) described knowing the affected person had expressed thoughts of self-harm, was located in a motor home, and was in possession of knives. WO1 and other officers met off scene to formulate a plan of approach. A dog unit attended first and relayed observations to other officers who then approached on foot. WO1 and another officer went to the front of the motor home while WO2 and WO3 went to the passenger side door which was locked.

WO1 could see the affected person with a knife to his throat looking “very agitated” and “very upset” with “veins bulging”, noting she “had no reason to believe he was not going to make good on whatever he was threatening”. Although the lighting was poor, WO1 could see the affected person was alone.

WO1 described the knife as about three inches long, later describing a second knife as five or six inches long. WO1 was concerned about the affected person’s safety, stating the knife was “pressed up against his neck” and he was so “agitated and fixated on me...that I wanted to have him see me retreat”, so she moved away from the motor home.

WO1 requested a negotiator and ERT attendance. She heard officers mention medical distress and ERT members talking about the need to enter the motor home as soon as possible, but she did not see the breach nor hear what was said. She subsequently saw the affected person face down on the ground outside the motor home with a small amount of blood on his back. Paramedics worked on the affected person and, along with WO2, transported him to hospital. WO1 was not aware a CEW had been deployed until she was told by someone else.

**Witness Officer 2** (WO2) stated she was dispatched to a report of a male who was arrestable, may have a knife, and may be at risk for self-harm. She described the attending officers as meeting away from the scene to formulate a plan. A dog unit went in first, followed by the other officers. WO2 and WO3 went to the passenger side of the motor home, with WO1 and another officer moving to the driver’s side.

WO2 stated that WO3 had a CEW and she was in a lethal oversight position with her firearm out of its holster. She stated the passenger side doors were locked; she knocked and announced the police presence, asking the affected person to come out. The affected person immediately replied he would not. WO3 moved to the front of the motor home to try to engage the affected person, who stated he

would cut or stab anyone who came in, and that no one would get out alive. WO2 reported hearing the affected person stabbing the inside of the passenger door.

Once ERT arrived, WO2 stood down. She heard WO3 inform the affected person he was under arrest, and knew ERT had entered through the driver's door. WO2 heard ERT command the affected person to "drop the knife" and heard a CEW discharge. Subsequently the affected person was carried from the motor home by ERT and placed in the recovery position.

**Witness Officer 3 (WO3)** met the other attending officers away from the scene and entered on foot. WO3 was aware the affected person was arrestable, known to be carrying knives, and may self-harm.

WO3 stated he and WO2 announced the police presence, and noted he was armed with a CEW while WO2 provided lethal cover. He tried both passenger doors and found them locked. After WO1 was unsuccessful in engaging the affected person and retreated, he moved to the front of the motor home to attempt communication. WO3 described the affected person as standing between the front seats with a knife to his neck, threatening to hurt himself and any police officer or dog that entered the vehicle. WO3 saw the affected person conceal knives in his shirt and waistband. The interior was dim when the inside light was on and non-existent when the affected person would occasionally turn it off. At those times, only the end of the affected person's cigarette was visible.

Later, WO3 saw the affected person sitting in the rear of the vehicle in the bed area, slumped forward with his arms slack at his sides, a knife in each hand. The affected person would initially raise his head when WO3 spoke, but after a time this stopped and the knives fell to the floor. WO3 was concerned this might indicate medical distress, so ERT took over and WO3 moved away.

**Witness Officer 4 (WO4)**, an ERT member, was called regarding an armed, barricaded individual. WO4 was aware the affected person had said he would harm anyone who entered the motor home.

WO4 ensured containment of the scene and developed an action plan in case the affected person exited the vehicle. This plan included immediate CEW use unless the affected person emerged with his hands high and complied with commands, because police believed he had "knives hidden all over his person".

WO4 stated that when WO5 and the subject officer arrived they took tactical control and WO4 moved to the passenger side of the motor home. The subject officer took a position in front of the vehicle. The affected person suddenly quieted and the subject officer proposed entry into the motor home and deployment of the CEW. WO4 concurred with this plan and WO5 approved it.

WO4 described a failed breach attempt through the rear passenger door, followed by a successful breach through the driver's door. WO4 heard one activation of a CEW but did not see what occurred. Once informed the affected person had been controlled, WO4 entered to see the affected person on his back on a bed in the rear of the motor home, a large knife on the floor.

WO4 assisted moving the affected person, who was unconscious, limp and grey, outside where paramedics could begin treatment. Another ERT member searched the affected person and found a small knife in his right boot.

**Witness Officer 5 (WO5)**, a senior ERT member, received a report of a barricaded man with a knife and relayed the information to ERT members. When WO5 arrived on scene, WO1 updated him. Several ERT members were already present and WO5 approved the action plan that had been put in place.

WO5 stated an officer was negotiating with the affected person and WO5 directed there be no attempt to enter the vehicle while negotiations were ongoing unless the affected person attempted self-harm. Subsequently, the officer advised WO5 that the affected person was vomiting and no longer speaking, so WO5 directed the subject officer to take over at the front of the motor home. WO5 also moved to the hood and noted the affected person was slumped over and not responding. Based on these circumstances, WO5 ordered an entry into the motor home, which was accomplished by the subject officer. WO5 heard, but did not see, a CEW deployment. WO5 had no contact with the affected person and was primarily concerned with ensuring lawful entry into the vehicle and incident management.

**Witness Officer 6 (WO6)**, an ERT member, reported he had assisted with an attempt to breach the passenger door, and then took up a position at the front of the motor home, shining a light into it. WO6 saw the affected person sitting on a bed at the rear of the vehicle, facing forward. The affected person was motionless, leaning forward with his head down and a knife in his right hand; his face was not visible due to his hat.

WO6 reported that the ERT entered the motor home from the driver's door, and he subsequently heard the SO shout "drop the knife". The affected person did not respond or drop the knife. WO6 witnessed the CEW deployment and saw the affected person fall backwards on the bed. At that point, WO6 could no longer see the right hand and knife, and he moved to the driver's door to be available for assistance.

## **SUBJECT OFFICER INTERVIEW**

**The Subject Officer (SO)** submitted a voluntary written statement, vetted through his lawyer, in which he indicated he had received notification of a barricaded male and attended the scene to find the affected person inside a motor home. The SO had been advised the affected person was arrestable, had threatened self-harm, and had two knives, one of which he had held to his throat. The SO was also advised the affected person had made threats towards police. The SO indicated general duty RCMP and ERT members were on scene, and that he directed the affected person be advised he was under arrest.

When the SO was advised the affected person was no longer speaking, he climbed on the hood of the motor vehicle and saw the affected person in the back holding a hunting style knife in his right hand. The SO described a dark fluid, possibly blood or vomit, coming from the affected person's face or neck area.

When WO5 gave direction to enter the vehicle and the officers on the passenger side failed, the SO gained entry via the driver's door and stated "Police, drop the knife". The affected person was sitting on a bed and did not comply. The SO decided that as the affected person was arrestable, a danger to himself and others, in a confined space, and not under police control, he would deploy his CEW.

Once the SO deployed his CEW the affected person dropped the knife and fell back onto the bed. WO4 entered and pulled the affected person onto the floor and into a prone position. The SO noted the affected person appeared unconscious. A physical assessment confirmed breathing and a pulse, and the affected person was removed and turned over to paramedics.

## SCENE EXAMINATION

**The incident occurred** in a townhome complex in Maple Ridge. The motor home was in a visitor's parking area facing east to west, with the passenger side facing north. Access to the motor home was via driver and passenger doors into the driver's cabin or a side passenger door into the living area. Items recovered from inside the motor home included knives and medication bottles.

## CONDUCTED ENERGY WEAPON (CEW) ANALYSIS

The **CEW** was seized on the night of the incident and analysis indicated the CEW was not functioning properly at the time of the recorded activation. The source of the malfunction was a faulty battery.

## MEDICAL EVIDENCE

**Ambulance records** note the affected person had vomited and was unresponsive, though somewhat reactive to pain. **Hospital records** indicated an initial diagnosis of "unknown overdose" and described a deepening level of unconsciousness. Treatment was directed towards ingestion of an unknown quantity of unknown substance(s). Toxicological results confirmed the ingestion of multiple substances. The only bodily injury noted was a "small skin tear" to the lower back.

## ANALYSIS

The general issue in any IIO investigation is whether a person suffered serious harm or death as a result of the actions of an officer and, if so, how and why. If I consider an officer may have committed an offence, I must forward a report to Crown Counsel. There are a number of legal issues to be considered to determine whether a report to Crown Counsel must be made.

Pursuant to the *Criminal Code*, police officers are permitted to use reasonable force against members of the public. Relevant *Criminal Code* provisions state that:

- A police officer acting as required or authorized by law, "is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose" (section 25(1)).
- Any police officer who uses force "is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess." (Section 26).

In this case, the issue is whether the subject officer's use of a CEW was reasonable and appropriate given the totality of the circumstances. To constitute criminal assault by a police officer in the course of his duties, it would have to be established that in the context of the totality of the circumstances known to the officer, the force used was disproportionate or unnecessary. The intentional application of force to another person, without the consent of that person, may constitute an assault under the *Criminal Code*. A peace officer acting within the course of his duties, however, is granted authority under the *Criminal Code* to apply force which is reasonable and necessary in the circumstances.

Despite this, police officers do not have unlimited power to inflict harm. The Supreme Court of Canada has clearly established that the allowable degree of force is dictated by the principals of proportionality,

necessity and reasonableness. What is proportionate, necessary and reasonable depends on the totality of the circumstances and is assessed from the officer's point of view, recognizing the dynamic nature of police interactions. Police are not held to a standard of perfection and are not required to measure with nicety the force they use. A legally acceptable use of force is one which is not gratuitous and is delivered in a measured fashion.

The available evidence shows police actions did not cause the affected person to lose consciousness or likely suffer any injury. Several officers reported the affected person appeared unconscious when the subject officer entered the motor home. The affected person also believed he was unconscious when "tasered", as he had no memory of the event. He did remember consuming a large quantity of medication when police arrived. Medical records suggest this ingestion caused his unconsciousness. As such, whether the CEW functioned properly that night or not, it does not appear to have caused any medical distress to the affected person.

The affected person reported suffering no injuries from this incident. Medical personnel noted only a small lower back skin tear, which may have been caused by a CEW probe or one of the knives concealed on the affected person. Even assuming police actions caused the injury or unconsciousness, I find no reason to believe the involved officer is criminally liable, because he had reasonable grounds to act as he did and used no more force than was necessary under the circumstances.

The subject officer had reasonable grounds to believe it was his duty to take custody of the affected person. Reliable sources told him the affected person was arrestable and may self-harm. Officers also believed they must act promptly, as the affected person appeared to be in medical distress. The subject officer also had good reason to fear the affected person might attempt to harm him. The affected person was known to be armed, held police at bay for an hour, and declared his determination to kill any police officer who entered the vehicle.

It is unclear if the family member's assertion that the affected person was "harmless" was known by the subject officer. Regardless, the actions of the affected person, in concert with the inability of a family member to convince him to surrender, would give the officer reason to discount this assurance.

Just prior to the subject officer entering the vehicle, the affected person appeared to losing consciousness. Ordinarily, this would reduce an officer's fear of harm. However, both the subject officer and Witness Officer 6 reported the affected person as sitting, still holding a knife. When the subject officer entered the vehicle he ordered the affected person to "drop the knife," and got no response. In light of an apparent developing medical emergency and the close proximity of an armed and potentially dangerous man, the subject officer had no time to conclusively determine whether the affected person was unconscious. Deploying one cycle of a CEW was a reasonable way to protect the officer and effect the safe arrest of the affected person.

In this case, the subject officer had reason to believe the affected person posed a risk to himself and officers attempting to assist him. As such, his decision to take the affected person into custody by deploying the CEW in order to avoid a possible physical confrontation cannot be concluded to be unreasonable.



**DECISION**

Since there is no reason to believe the subject officer may have committed any offence in this case, the IIO file will not be referred to Crown Counsel for consideration of possible charges.

Prepared for release 28th day of March, 2014 by

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Chief Civilian Director  
Independent Investigations Office of BC