



**IN THE MATTER OF THE SERIOUS INJURY OF A MALE
WHILE BEING APPREHENDED BY MEMBERS OF THE
VANCOUVER POLICE DEPARTMENT IN
THE CITY OF VANCOUVER, BRITISH COLUMBIA
ON MARCH 15, 2018**

**DECISION OF THE CHIEF CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATIONS OFFICE**

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

General Counsel:

Clinton J. Sadlemyer, Q.C.

IIO File Number:

2018 - 034

Date of Release:

May 24, 2018

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Facts

At 9:53 p.m. on March 15, 2018, the Independent Investigations Office (IIO) was notified by the Vancouver Police Department of an incident involving a male Affected Person (AP) who caught on fire inside a McDonald's restaurant.

In attempting to arrest AP, police deployed ARWEN rounds, which is a less-lethal alternative to a firearm. The IIO commenced its investigation as AP was injured during an interaction with police. A determination was required of whether there were any wrongful actions or inactions of police during the interaction with AP.

Evidence collected during the investigation included the following:

1. Statements from three civilian witnesses, four police officers and a firefighter;
2. Photographs of the scene;
3. CCTV video from the McDonald's;
4. Police communication records (CAD/Prime);
5. AP medical information;

At 8:48 p.m. on March 15, 2018, the Vancouver Police Department received a call about a male who was sitting on the street with a can of gasoline outside of a McDonald's threatening to harm himself.

About two minutes later, the male walked into McDonald's at 2570 Commercial Drive in Vancouver. According to 911 records, AP said, *"who took my phone? People who didn't take it get out"*. He then started to pour the contents of the gas can inside the restaurant. An employee pressed the panic button and told staff and patrons to leave the restaurant, which they all did. CCTV video showed AP remained by himself inside in the back corner of the hallway near the washrooms.

At 8:52 p.m., VPD officers responded to the scene. Commercial Drive was closed to all traffic for the protection of the public. Police noted a gasoline trail inside the restaurant that led directly to the front door and an overwhelming odour of gas fumes.

At 8:53 p.m., police reported that AP was sitting calmly at the table drinking from a can. Seconds after, another officer reported AP was smoking a cigarette.

The CCTV image confirms AP sitting alone in the empty restaurant, holding a lighter and smoking a cigarette.

At 8:55 p.m., dispatch reported that AP said *"I'm not leaving until I get what I want"* and he then poured gasoline on the chairs and tables. Approximately three minutes later, a police negotiator arrived on scene.

At 8:58 p.m., police reported that attempts were made to have a dialogue with AP but he was screaming and refused to engage. A female negotiator later arrived to take over negotiations. She said AP had an aggressive demeanour towards her and called her a *"fucking bitch"* numerous times.

At 9:10 p.m., police ran a background check on AP and learned that he was involved in a separate incident in Vancouver earlier that week where he was intoxicated and displayed violent behaviour.

As negotiations continued, Emergency Response Team (ERT) members arrived. Two firefighters were positioned outside the main entrance door of McDonald's to handle the potential risk of the fire blowing out the glass from the large front windows where the negotiators were located. A witness officer said, *"as long as there was no one else inside, the risk was him [AP] hurting himself"*. An action plan was developed that firefighters would spray foam on AP to prevent him from lighting himself on fire and police would then take AP into custody. Several fire trucks were also deployed to the scene. Meanwhile, AP continued to sit in the rear of the restaurant and was described as being 'very distraught' and holding a lighter above his head.

At 9:37 p.m., a fire ignited at the back of the restaurant where AP was located, and AP caught fire. The CCTV image below shows the location where the fire ignited. AP is in the bright spot (not visible in picture below due to the brightness).



The back of the McDonald's, where AP sat, as it caught fire. AP is in the center of the photo but not visible. The time stamp on the photo is not correct. Fire ignited at 9:37 p.m.

A firefighter stated that when the gasoline or vapours ignited, there was an explosion and a *"hydrocarbon flash"* that enflamed half of the restaurant.

AP ran towards the restaurant's front door while on fire. Firefighters approached the front door and sprayed the suppressant foam on AP. As AP exited the restaurant, he was given directions to get on the ground but did not do so.



A can of gasoline was recovered from the back of restaurant where AP sat.

A witness officer stated police deployed ARWEN rounds, to get AP on the ground, but they had little to no effect. The IIO recovered two ARWEN rounds from the restaurant.

AP was taken into custody at 9:38 p.m. BC Ambulance transported him to hospital as he suffered second and third degree burns.

Medical evidence indicated that there were no injuries from the deployment of the ARWEN rounds.

Relevant Legal Issues and Conclusion

The purpose of any IIO investigation is to determine whether any officers, through an action or inaction, may have committed any offence in relation to the incident that led to AP's injuries.

The officers acted in the course of their duty by using the less than lethal ARWEN rounds to gain control of AP. The officers, along with the firefighters, placed themselves in danger by going into the restaurant where AP was on fire, to contain an already volatile situation.

Following a review of all the evidence collected during the course of this investigation there is no evidence that the officers committed any offence in the course of this interaction with AP. In fact, evidence showed the officers acted at risk to themselves in

meeting all of their duties as police officers. The injuries suffered by AP were as a result of his own actions.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider that any officer may have committed an offence under any enactment and therefore, the investigation is concluded.



Clinton J. Sadlemyer, Q.C.
General Counsel

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Chief Civilian Director

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