



**IN THE MATTER OF THE DEATH OF A MALE
IN THE CITY OF VANCOUVER, BRITISH COLUMBIA DURING THE
ATTENDANCE OF VANCOUVER POLICE DEPARTMENT
ON AUGUST 10, 2018**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2018 - 097

Date of Release:

November 13, 2018

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Facts

At 5:18 a.m. on August 10, 2018, the Vancouver Police Department (VPD) was notified of a man hanging on by his hands from the top of a high-rise building in the downtown area. VPD officers attended the location and after a brief verbal interaction with the male, the male fell to his death.

Due to the presence of VPD police officers, the Independent Investigations Office (IIO) was notified by VPD and commenced an investigation.

Evidence collected during the investigation included the following:

- 1) Statements from involved officers;
- 2) Statements of five civilian witnesses;
- 3) Scene video;
- 4) Computer Assisted Dispatch (CAD) and police records;
- 5) Photographs of the scene.

Pursuant to section 17.4 of the Memorandum of Understanding between the IIO and BC Police Agencies, and consistent with the Canadian Charter of Rights and Freedoms, officers who are the subject of an investigation are not compelled to provide a statement, nor submit their notes, reports and data. In this case, the Subject Officer, Officer 1, did not provide a written statement, notes reports or data to the IIO.

Chronology of Events

On August 10, 2018 at approximately 4:00 a.m., Civilian Witness 1 (CW1) noted a shirtless male, the Affected Person (AP) enter the building and walk towards the elevators. CW1 notified his manager, Civilian Witness 2 (CW2), and security, Civilian Witness 3 (CW3), as he felt the AP appeared to be on *"some sort of drugs."* The evidence suggests he was also suffering from mental illness. CW2, CW3 and Civilian Witness 4 (CW4) searched the floors of the building but did not locate the male.

At approximately 5:00 a.m., CW1 advised CW2 and CW3 that a guest had called to state there was noise coming from the floor above.

CW3 was asked to attend the 19th floor to investigate reports of someone screaming. Once on the 19th floor, CW3 determined the noise was coming from the roof area. CW3 walked out to the roof area and saw AP on the other side of the fence which surrounded the perimeter of the building's roof. CW3 stated AP said he was going to jump: *"I will do it man, I am going to do it, I should jump, just let go."*

CW3 told AP to stay calm and unlocked the gate on the inner fence which restricted access to the edge of the roof. CW3 was then advised the police were on their way to the rooftop. CW3 did not approach AP.

At 5:21 a.m., Witness Officer 1 (WO1) arrived at the building and observed AP standing on a small concrete ledge above a window and holding onto a railing around the rooftop. Subject Officer 1 (SO1) arrived and entered the building while WO1 remained outside the building to watch AP. WO1 heard SO1 request the attendance of Emergency Health Services (EHS) and the Vancouver Fire Department.

CW2 and SO1 attended the 19th floor together. Upon arrival to the roof area, CW2 noticed AP was on the other side of the security fence and on the outside of the perimeter fence which surrounded the roof top. CW2 heard AP shout several times that he was going to jump.

CW2 stated that SO1 spoke to AP from a distance of approximately 25 feet to reassure that he would be okay and that SO1 was going to help him. CW2 stated SO1 then requested for a negotiator and fire team to attend. CW2 also stated neither CW2 or SO1 approached the AP any closer while waiting for negotiator.

Police radio dispatch records confirmed that at 5:24 a.m., SO1 requested a negotiator to attend.

Police radio audio records showed that at 5:25 a.m., SO1 was on the roof and could see AP on the other side of the fence. At 5:26 a.m., SO1 requested the fire department's assistance with a large ladder. At 5:27 a.m., SO1 advised dispatch that SO1 was not in a good position to attempt any rescue.

At approximately 5:28 a.m., WO1 advised dispatch that AP had fallen from the rooftop.

Civilian Witness 5 (CW5), who lives across the street from the location, observed much of the event. His statement corroborated the evidence from other witnesses.

WO1 attended the location of AP on the ground and AP was pronounced deceased at the scene.

Relevant Legal Issues and Conclusion

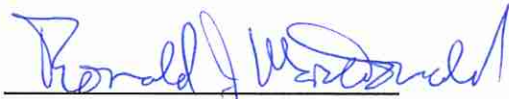
The purpose of any IIO investigation is to determine whether any officer, through an action or inaction, may have committed any offence in relation to the incident that led to AP's death.

More specifically, the issue to be considered in this case is whether the subject officer (SO1) committed any offence in his interaction with AP.

Based on all of the evidence collected in this investigation, SO1 attempted to resolve the situation with communication and the assistance of professional services. Statements from civilian witnesses corroborated Computer Assisted Dispatch records to demonstrate that the actions of the officer did not in any way contribute to AP's tragic death. Rather, SO1 did what he could to attempt to reassure AP that help is on its way. He fully met his duty to attempt to save life. He was right not to approach AP, as any attempt to do would have only aggravated AP. In any event, given AP's precarious position on the side of the building it would have been very difficult to take any productive action without AP's cooperation.

Therefore, the evidence collected does not provide grounds to consider any charges against any officer.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider that an officer may have committed an offence under any enactment and therefore the matter will not be referred to Crown counsel for consideration of charges.



Ronald J. MacDonald, Q.C.
Chief Civilian Director

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