



PUBLIC REPORT OF THE
CHIEF CIVILIAN DIRECTOR

Investigation into the death of
an adult male involving a fatal self-
inflicted gunshot injury and the RCMP on
December 21, 2012 in the city of Surrey,
British Columbia.

IIO 2012-12-194

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.

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 all of the factors and will not be disclosing the identities of the affected person or any other person. The affected person was 42 years old at the time of his death.

CIRCUMSTANCES LEADING TO NOTIFICATION TO THE IIO

On December 21, 2012, an officer assigned to the Surrey RCMP Detachment was driving east-bound on 24th Avenue toward King George Highway in South Surrey. He was on duty, driving a marked police vehicle. At approximately 12:39 a.m., the officer observed a van that passed by his vehicle. The license plate on the van was obscured; the insurance decal was indecipherable. The officer checked with police dispatch who advised the plate was invalid (“unattached and terminated”).

The van was being driven by an adult male. The officer initiated a traffic stop on the van. Shortly after the van stopped, the officer heard what was described as a “pop”. The van subsequently rolled north across the highway where it came into contact with a fence. The van reversed direction and came to rest on the centre median on 24th Avenue.

A second officer arrived at the scene; both officers approached the van on foot.

At the van, officers observed the driver as being unresponsive. Both the driver and passenger doors of the van were locked. One of the officers broke the driver's window to gain access to and assess the condition of the driver. They found him to be in medical distress with an apparent self-inflicted gunshot injury. He did not survive his injuries.

NOTIFICATION AND IIO JURISDICTION

The IIO was notified of the incident by the RCMP at 01:40 a.m. and asserted jurisdiction due to the fact that the affected person was critically injured while being detained by an RCMP officer.

INVESTIGATIVE EVIDENCE CONSIDERED

IIO investigators interviewed the involved officer who had first responded; the second officer who arrived as backup; and a third officer who arrived after the incident.

The involved officer had initiated the motor vehicle stop and heard what he described as a "pop" after the van stopped. During his voluntary statement, the officer advised he did not immediately realize what he had heard was a gunshot. He thought the noise was related to the van being "forcibly jammed into gear" as it subsequently rolled across the highway.

IIO investigators interviewed the second officer who along with the involved officer, stated that upon approaching the van by foot, they believed they were dealing with an intoxicated driver. Neither officer realized that the male driver had apparently shot himself shortly after stopping the van.

A third officer was interviewed. He had arrived at the scene and exited his vehicle in time to observe the second officer breaking the van driver's window.

IIO investigators were unable to identify any additional witnesses or relevant video.

The involved officer's 9 millimetre pistol was secured. Examination of the pistol and magazines found that all three magazines were fully loaded and rounds accounted for. On interview, the involved officer stated he did not un-holster his firearm at any time during the incident.

IIO investigators recovered a .22 calibre revolver (which contained six empty casings) inside the van. Physical evidence was located in the van that linked the deceased to an earlier shooting that took place approximately 18 minutes prior to and approximately 12.5 kilometres from the vehicle stop.

IIO investigators obtained audio recordings of the radio transmissions relating to the vehicle stop, the call for assistance and the subsequent call for Emergency Health Services. The IIO also obtained and considered photographs taken at the scene.

Autopsy and toxicology reports relating to the deceased remain pending. An IIO investigator attended the autopsy however and confirmed that the deceased died as a result of a single gunshot injury to the head.

The bullet was recovered however was found to be significantly damaged during its entry. Analysis has determined that although the characteristics of the bullet were consistent with the spent casings found in the revolver, damage did not allow for a conclusive finding as to whether or not the bullet was fired from the revolver found in the deceased's van.

ISSUES

The general issue in this case, as it involves the IIO, is whether or not there is evidence that a police officer may have committed an offence under any enactment. The specific question I must consider is whether or not the involved officer had any causal role in the deceased's death.

REASONS and DECISION of the CHIEF CIVILIAN DIRECTOR

Based on my review of the facts, I am satisfied that the deceased died of a self-inflicted gunshot injury to the head shortly after being stopped by the involved officer. The evidence supports the conclusion that the involved officer took no action other than making a traffic stop based on information related to the licence plate on the van.

I have reached these conclusions cognizant of the fact that the autopsy and toxicology reports remain outstanding. The autopsy observations leave the cause of death beyond dispute: a single gunshot injury to the head. It is unlikely that the final autopsy report and classification of death would provide additional facts that would lead me to change my conclusions.

With respect to the toxicology report, the deceased's degree of sobriety or impairment by any substance is not relevant to the issue of whether or not an officer committed an offence. Based on the evidence obtained during the course of the investigation, I have concluded that there is no reason to believe that any action of a police officer was a contributing factor in the death and as such, I do not believe that an officer may have committed an offence.

I have directed that notice of this public report be provided to the Royal Canadian Mounted Police, the BC Coroners Service and the Commission for Public Complaints against the RCMP, as each may have an interest in this investigation and my findings in that regard. I have further directed that this report be posted to the Independent Investigations Office public website in order to ensure transparency through public reporting.

This public report was derived from a reviewable decision made by myself, Chief Civilian Director Richard Rosenthal. A copy of the reviewable decision is available upon request.

Submitted this 21st day of February, 2013 by

Richard A. Rosenthal
Chief Civilian Director
Independent Investigations Office of BC