



**IN THE MATTER OF THE SERIOUS INJURY OF A FEMALE
FOLLOWING AN ATTEMPT TO STOP A MOTOR VEHICLE IN
VANCOUVER, BRITISH COLUMBIA
ON JANUARY 17, 2019**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2019 - 012

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April 30, 2019

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Facts

On January 17, 2019, Vancouver Police Department (VPD) members observed a Honda Civic with a “new driver” decal and four occupants. New drivers are limited to having only one passenger pursuant to the *Motor Vehicle Act Regulations*. Officers conducted a traffic query and attempted to stop the Honda. It did not stop, but instead picked up speed and ran a stop sign at East Cordova Street. The vehicle collided with another civilian vehicle and a street sign before it came to rest.

All occupants of the Honda were arrested and transported to hospital as a precaution; however, there were no obvious signs of injury. A female occupant, the Affected Person (AP), was examined again the next day and it was determined she had suffered a fractured sternum.

The Independent Investigations Office (IIO) was notified by the VPD and commenced its investigation as the injury to AP was within the definition of “*serious harm*” as defined in *the Police Act* and officers were present.

Evidence collected during the investigation included the following:

- 1) statement of AP;
- 2) VPD Police Incident Report; and
- 3) VPD Dispatch Records.

The IIO interviewed AP and she stated that she was in the Honda when it pulled out of a gas station shortly before a marked police vehicle changed lanes to get behind it. The officer driving the police vehicle activated the emergency lights and directed the Honda to “*please pull over.*” AP stated the Honda was coming to a stop but the passengers in the vehicle called out, “*run, you can get away.*” The Honda accelerated rapidly, and AP saw that it was about to collide with another vehicle entering the intersection. She had no time to call out before the two vehicles collided.

AP explained that the police officers assisted occupants out of the Honda. AP stated that the officers involved were polite and helpful and they were “*just doing what cops do.*”

Conclusion

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

A police officer who is 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.

Police stated that the vehicle had an “N” displayed on the rear of the vehicle. Pursuant to the *Motor Vehicle Act Regulations*, an “N” driver may carry only one passenger unless exemptions apply. At the time of the incident, the “N” was correctly displayed but there were four occupants in the vehicle.

Police had lawful authority and reasonable grounds under the circumstances to conduct a vehicle stop. There is no evidence the police drove in any manner other than appropriate. The vehicle continued a short distance without giving any indication that it would stop as required and then accelerated into the intersection without warning. On entering the intersection, the vehicle was immediately struck and crashed. According to AP, the time from being asked to stop to the crash was about 10 seconds.

Although the police commenced to intercept the vehicle, the driver chose to not stop and instead sped ahead which resulted in a motor vehicle crash. All evidence indicates that police actions were lawful and proportionate under the circumstances. Indeed, it was their duty to enforce the *Motor Vehicle Act Regulations*. It was the actions of the driver, encouraged by the car’s occupants, which caused the collision, not the actions of the police.

On the evidence collected there are no grounds to consider any charges against any officer.

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 matter will not be referred to Crown counsel for consideration of charges.


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

April 30, 2019
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