



**IN THE MATTER OF THE DEATH OF A MALE
DURING AN INTERACTION WITH MEMBERS OF THE
VANCOUVER POLICE DEPARTMENT IN VANCOUVER, BRITISH
COLUMBIA ON JULY 13, 2019**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2019-122

Date of Release:

July 29, 2019

THIS PAGE INTENTIONALLY LEFT BLANK

Introduction

Vancouver Police Department (VPD) received a report of a male, the Affected Person (AP) throwing items from the balcony of a multi-storey apartment building.

Officers arrived at the scene and commenced crowd control and attempted to enter the building. Building management provided a key to the apartment and police opened the door. AP threw a backpack over the balcony and then climbed over the balcony railing, falling to the street below. AP was pronounced dead at the scene.

As a person died during his involvement with police officers, the Independent Investigations Office (IIO) was deployed and commenced an investigation.

Evidence collected during the investigation included the following:

- 1) Police Records Information Management Environment (“PRIME”) records;
- 2) statements from civilian witnesses;
- 3) notes from VPD police officers at the scene; and
- 4) video of the incident.

Narrative

A review of PRIME records and police notes showed that at approximately 12:35p.m., VPD responded to a multi-storey residential building on Bidwell Street, Vancouver. Reports had been received regarding AP throwing various items, including household furniture, off the balcony of ninth floor apartment.

Upon arrival at the scene, a number of officers provided crowd control on the outside of the building facing Haro Street. Other officers obtained a key from the building manager to the apartment where it had been determined AP was located.

Several officers entered the apartment building through the main entrance and made their way to the 9th floor where AP was located. Upon arrival at the unit, officers knocked on the door and announced their presence. After receiving no response, officers used the key to calmly enter the unit announcing their presence where they saw AP standing naked on the balcony. Officers’ notes described AP as moving erratically and yelling in a foreign language. AP entered the unit from the balcony, where an officer asked him to show his hands, which he did not. Officers’ notes described AP picking up a backpack, returning to the balcony and throwing the backpack off the balcony. At this point, officers described AP as turning towards them, moving part way into the unit, and then immediately turned back towards the balcony when he “rapidly walked out to the balcony and over the concrete balcony wall without pause and, out of view.” AP landed on the grass in close proximity to VPD members.

IIO investigators canvassed the building and adjacent buildings for witnesses and located and interviewed several witnesses, including a witness who lived in the building where the incident occurred. This witness, Civilian Witness 1 (CW1), corroborated police notes in that police announced themselves at APs door. CW1 verified that there was no response from AP, and stated officers attempted to gain a response for approximately three minutes before using a key to enter.

CW1 told the IIO investigators that he heard officers continue to announce themselves as they moved into the apartment. A female officer attempted to communicate with AP and the following was heard, "Please, we are here to help", "Please show us your hands." "Don't do that!" and "Please don't do it!"

CW1 said following this there was silence from the apartment and officers left the unit after approximately two minutes and locked the door.

Civilian Witness 2 (CW2) lives in a building two buildings over and could see the balcony where the AP was. CW2 filmed the incident on her cell phone and the IIO obtained the footage. The footage does not show inside the apartment. From a side angle, the footage shows AP moving in and out of the apartment to the balcony and throwing numerous objects to the ground, including the clothes he is wearing, furniture and a bicycle.

On the last occasion AP can be seen coming onto the balcony, throwing a backpack over and in a continuous motion climbing onto the balcony and throwing himself over. The footage does not show any officers on the balcony at anytime.

Both civilian witnesses and police witnesses state that immediate first aid was given by the police officers who had been providing crowd control at the Haro side of the apartment until Emergency Health Services (EHS) arrived.

Two police witness officers' statements are corroborated by the statements and footage from civilian witnesses.

Legal Issues and Conclusion

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

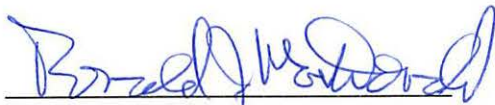
All evidence obtained indicates that officers were acting lawfully and with diligence for the welfare of AP and members of the public. Given the evidence they had about AP throwing large objects from a ninth-floor balcony, the police had a duty to protect the public by stopping AP. In addition, the evidence raised serious concerns about the wellbeing of AP,

and police had a duty to attempt to get AP assistance. For those reasons, entry into the apartment, even without consent, was justified at law.

Calm entry was made to the apartment and attempts were made to communicate with AP. Unfortunately, for reasons unknown at this time AP was intent on clearing the apartment and then chose to climb over the balcony wall and jump to his death. He acted quickly once the police entered his apartment, precluding their efforts to help him. Thus, the police at the scene did all that could be expected to help AP. There is no evidence that police actions or inactions caused the death of AP.

Finally, with respect to the witness officers engaged in crowd control on the ground in front of the building, it appears from the evidence that they carried out their duties commendably. In order to keep civilian bystanders safely out of the hazardous area where objects thrown by AP—some of them of potentially lethal size and weight—were striking the ground, the officers selflessly placed themselves within that same dangerous area. Fortunately, none were injured.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider there are reasonable grounds to believe that an officer committed an offence under any enactment. Therefore the matter will not be referred to Crown counsel for consideration of charges.



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

July 29, 2019

Date of Release