



**IN THE MATTER OF THE DEATH OF A MALE
IN AN INCIDENT INVOLVING A MEMBER OF THE
RCMP IN THE CITY OF HOPE, BRITISH COLUMBIA
ON MAY 16, 2019**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2019-090

Date of Release:

January 14, 2020

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Introduction

In the early morning of May 16, 2019, the Subject Officer ('SO') responded to a report of a break-in at a commercial premises in Hope. A suspect was said to have left on a stolen motorcycle. As SO approached the location of the break-in, a motorcycle passed in the opposite direction and SO turned to follow. The motorcycle, driven by the Affected Person ('AP') in this case, sped off and SO immediately discontinued the pursuit. A few minutes later it was discovered that AP had crashed the motorcycle and was seriously injured. He subsequently died in hospital. The Independent Investigations Office ('IIO') was notified and commenced an investigation.

The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

- statements of a civilian witness and a witness police officer;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of the 911 line and police radio dispatch transmissions;
- Mobile Data Terminal ('MDT') download from SO's police vehicle;
- Closed-Circuit Television ('CCTV') recordings from nearby locations;
- scene photographs and forensic examination;
- vehicle mechanical inspections;
- collision reconstruction analysis report; and
- medical evidence.

Narrative

At 4:44 a.m. on May 16, 2019, Hope RCMP received a report of a break and enter at commercial premises on Old Hope-Princeton Way. The suspect was said to have left westbound on a stolen motorcycle. SO responded to the location, driving an unmarked police vehicle eastbound on Old Hope-Princeton.

As SO approached, AP passed by in the opposite direction on a motorcycle. SO activated the police vehicle's emergency lights and made a U-turn. AP, though, did not stop and accelerated away, so SO pulled the police vehicle over (in compliance with RCMP policy), called dispatch with an update, and then executed a second U-turn to retrieve a motorcycle helmet that had apparently been discarded by AP. At this point, SO was joined by Witness Officer 1 ('WO1'), who was on the way to work.

Approximately two minutes later, a civilian drove up from the west and informed the two officers that a motorcycle had crashed down the road, at an intersection with the highway. The two officers immediately drove west to the accident scene and found a motorcycle lying in the roadway, and AP lying nearby with serious head injuries. An ambulance was requested 'Code 3' (with lights and siren). AP was transported to hospital where he subsequently succumbed to his injuries.

The movements of both involved officers' vehicles and of AP on the motorcycle can be seen in video recordings from a commercial location close to the point where SO first saw AP and turned after him. In the video SO can be seen driving after AP for only a few seconds before pulling over. As SO does so, AP can be seen speeding away.

Evidence gathered from police radio transmission recordings, police dispatch records and a data download from SO's police vehicle also confirm the account of events set out above, including the timings described.

No witness to the motorcycle crash has been found, and there is no CCTV coverage of the crash location.

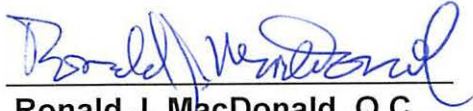
Legal Issues and Conclusion

The purpose of any IIO investigation is to determine whether there are reasonable grounds to believe that an officer, through an action or inaction, may have committed any offence in relation to an incident that led to serious harm or death. More specifically, the issue to be considered in this case is whether any unjustified action on SO's part may have precipitated the motorcycle accident that caused AP's death.

The evidence collected does not provide grounds to consider any charges against any officer. SO was justified in activating the police vehicle's emergency lights and turning in an attempt to pull over the motorcycle. There was a report that a suspect had left the scene of a crime, westbound, on a stolen motorcycle a very short time earlier. AP was driving a motorcycle westbound, close to the scene of the reported break-in and with very little other traffic on the road. It was reasonable for SO to suspect strongly that AP was the suspect, and to detain him for investigation.

When he failed to stop, it was also the correct response for SO to let him go—to pull over and stop, rather than engage in a high-speed pursuit. Based on all the evidence, in fact, at the time AP crashed the motorcycle, SO had already turned back along the road to retrieve the discarded helmet. There was no pursuit, and SO was not close to, or even in sight of, the location where AP crashed. SO cannot be blamed for AP's own personal decisions, or for the harm to which those decisions led him.

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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