



**IN THE MATTER OF THE INJURY OF A MALE
AFTER AN ATTEMPTED TRAFFIC STOP BY MEMBERS OF THE
VICTORIA POLICE DEPARTMENT IN
THE CITY OF VICTORIA, BRITISH COLUMBIA
ON AUGUST 24, 2019**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2019-161

Date of Release:

February 5, 2020

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Introduction

In the early morning hours of August 24, 2019, a motor vehicle collision at an intersection close to downtown Victoria caused serious injuries to the Affected Person ('AP'). Because there had been an interaction between a police officer and the vehicle that struck AP's car shortly before the accident, 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 from AP, a civilian witness and two witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- police vehicle Mobile Data Terminal ('MDT') downloads including GPS location and speed information;
- scene examination including photographic and reconstruction evidence and analysis;
- video recordings from several Closed-Circuit Television ('CCTV') locations; and
- medical records.

Pursuant to section 17.4 of the Memorandum of Understanding between the IIO and BC Police Agencies, officers who are under IIO investigation are not compelled to submit their notes, reports and data. In this case, Officer 1 did not provide evidence to the IIO.

Narrative

AP told IIO investigators that a little after midnight on August 24, 2019, he was driving between work locations, southbound on Douglas Street in Victoria. As he moved through a green light into the intersection at Bay Street, his car was suddenly struck by another vehicle and rolled several times, ending up on its roof. Exiting through a window within "ten or fifteen seconds of the car stopping moving" and attempting to stand, AP realized he was injured. Within "thirty or forty seconds," bystanders came to offer assistance. Then, looking around, he saw flashing red and blue emergency lights followed by the arrival of first responders. AP was taken by ambulance to hospital. He told investigators that before the collision he did not see any emergency lights, and did not hear sirens.

The events leading up to the collision were reconstructed by IIO investigators from the evidence of civilian and police witnesses, corroborated by video recordings from a number of CCTV locations, downloads from police vehicle data recorders and recordings of police radio transmissions.

A white pick-up truck initially came to the attention of Officer 1 in the vicinity of Gorge Road East and Rock Bay Avenue. Officer 1 turned on the emergency lights on his marked police vehicle in an attempt to conduct a traffic stop. The pick-up slowed, but then sped away south on Rock Bay. Officer 1 followed for a short distance (approximately two to

three blocks), but then switched off his emergency lights, turned onto John Street and radioed that he was not pursuing. A civilian witness ('CW') who saw the interaction told IIO investigators that it looked as if the pick-up truck "would kill somebody, the way it was being driven." CW said that the police vehicle following the pick-up was driving much more slowly.

The pick-up continued south and turned left onto Bay Street. Other police officers were patrolling the area at the time, but none was in sight of the pick-up as it sped east on Bay and ran a red light at Government Street, colliding with AP's vehicle. Video of the collision at that intersection shows that no emergency lights were visible at the time and no police vehicle was in pursuit of the pick-up truck.

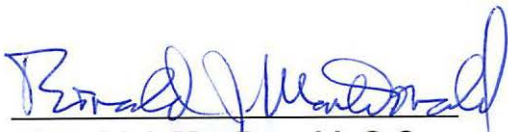
Within a short time, three officers (including Officer 1) arrived at the scene and started work controlling traffic and assisting injured people. They found the pick-up and AP's vehicle, as well as two other civilian vehicles, had been heavily damaged. Several individuals were taken to hospital. AP was found to have a broken ankle, and the drivers of the other two vehicles suffered lesser injuries. A bystander had also been struck, but was not significantly injured. The driver of the pick-up fled on foot before police arrival, but was located and arrested several blocks away.

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 resulting in serious harm or death. More specifically, the issue to be considered in this case is whether Officer 1 committed any offence by engaging in an unjustified pursuit of the white pick-up truck.

The evidence collected makes it clear that Officer 1 did no more than attempt a *Motor Vehicle Act* traffic stop, and made the appropriate decision not to pursue when the pick-up fled at high speed. Officer 1 turned off his emergency lights, slowed and turned off onto a side street. What happened after that was the direct result of the actions of the pick-up's driver.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider that there are reasonable grounds to believe 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

February 5, 2020

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