



**IN THE MATTER OF THE INJURY OF OSCAR FERDINAND ARFMANN  
WHILE BEING APPREHENDED  
BY MEMBERS OF THE ABBOTSFORD POLICE DEPARTMENT  
IN THE CITY OF ABBOTSFORD, BRITISH COLUMBIA  
ON NOVEMBER 6, 2017**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2017-139

Date of Release:

February 3, 2020

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## **Introduction**

On November 6, 2017, officers were responding to reports of a male in a stolen vehicle who had discharged a firearm and had shot Abbotsford Police Department Constable John Davidson. During the subsequent apprehension of the suspect, Oscar Ferdinand Arfmann ('Arfmann'), shots were fired by officers and Arfmann was injured. 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 Arfmann, 38 other civilian witnesses and all witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- 911 and police dispatch audio recordings;
- Closed-Circuit Television ('CCTV') recordings;
- scene examination and photographs;
- weapons examinations and ballistic evidence;
- police training records and policies; and
- medical evidence.

Pursuant to section 17.4 of the Memorandum of Understanding between the IIO and BC Police Agencies, officers who are the subject of an investigation are not compelled to submit their notes, reports and data. In this case, Subject Officers 1 and 2 ('SO1' and 'SO2') did not provide any evidence to the IIO.

The IIO originally issued a media release in this matter on February 1, 2018 notifying the public that the actions of the officers in this matter were justified. At the time, Arfmann, who was alleged to have shot Constable Davidson, was facing a trial for murder. As the matter was still before the courts the IIO did not make any comment on the facts of the case. Now that the court matter has concluded with the conviction and sentence of Arfmann, this public report is being released.

## **Narrative**

On November 4, 2017, Abbotsford police received a complaint after a male customer (Arfmann) took a Ford Mustang for a test drive from a dealership and failed to return it. On November 6, police were informed that the Mustang was at a specific location and that Arfmann had discharged a firearm. Shortly after this, there was a report that Constable Davidson, who had responded and followed the Mustang, had been shot. The circumstances of this encounter were the subject of Arfmann's murder trial, resulting in his conviction of first-degree murder.

What followed was a pursuit of the Mustang by police vehicles, ending in a police manoeuvre executed by Witness Officer 1 ('WO1') that caused the Mustang to collide with a civilian vehicle driven by Civilian Witness 1 ('CW1'). A second police vehicle driven by SO1 then drove against the driver's door, blocking the door and preventing the Mustang from moving. These events were captured on dash camera video from another civilian vehicle. From the video, investigators determined that the time between the collision and the sound of shots being fired was approximately five seconds.

Several officers approached the Mustang with the intention of arresting the driver. WO1 told investigators that he exited his vehicle and drew his pistol as he approached. He said that SO1, SO2 and WO2 were also pointing their firearms at the Mustang, shouting for Arfmann to show his hands.

WO2 told investigators that he understood police were dealing with an active shooter who had already used deadly force, and that the use of deadly force by police was likely required. As he ran towards the rear of the Mustang to help contain it, he heard gunfire from his left. He was not sure who had fired, or how many shots had been fired.

WO3 said that as he exited his own vehicle, he heard gun shots and thought that the driver of the Mustang was firing at him. He said he took cover behind SO1's police vehicle and pointed his firearm, but did not fire it. Arfmann, he said, was looking down and was not complying with commands to show his hands.

CW1 told IIO investigators that he saw Arfmann pointing a rifle or shotgun at the time officers fired at him, and could see that Arfmann's right hand was at or near the trigger. WO1 said that he saw Arfmann raising and then dropping his hands, and could see the stock of a rifle beside him. Witness police officers also confirmed that in exchanges with another witness following the incident both Subject Officers had described seeing Arfmann lift a firearm while he was seated in the Mustang, which prompted them to fire at him.

Arfmann continued his non-compliant behaviour for some time after being wounded, and officers continued to surround the Mustang with their weapons pointed at him as he repeatedly dropped his hands out of sight, raising concerns that the risk to the officers had not ended. WO1 had retrieved a bean bag shotgun from his police vehicle, and said that he had twice almost fired at Arfmann because of these continuing concerns. WO4 reached into the Mustang in an attempt to subdue Arfmann with a Taser in 'stun mode' (by direct contact), but Arfmann pulled away and the Taser was ineffective.

Shortly after this, SO1's police vehicle was rolled away from the side of the Mustang, Arfmann's firearm was removed through the passenger side door, and officers pulled Arfmann out of the car by his arms. At this point, Arfmann was no longer resisting, and was taken to the ground and handcuffed. He had suffered a number of head injuries, was

transported to hospital under arrest and survived his injuries. He was found to have been in possession of a 7.62 mm SKS semi-automatic rifle with an empty magazine, but with a live round in the chamber. He had several other live cartridges in his pocket.

Sixteen expended cartridge cases were located at the scene, six that had been fired from SO1's pistol and ten that had been fired from SO2's pistol. Forensic examination of the Mustang showed that several bullets had struck the vehicle either from the front or from the left (driver's) side.

Subsequent to the arrest of Arfmann, officers at the scene became aware that Constable Davidson was deceased.

### **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 death or serious harm. More specifically, the issue to be considered here is whether in these circumstances officers were justified in using potentially lethal force against Arfmann.

The evidence collected does not provide grounds to consider any charges against any officer. Officers at the arrest scene understood that Arfmann had already committed very serious offences, that he was clearly highly motivated to escape and evade apprehension, and that he would likely resort to the use of a firearm against them without hesitation. As confirmed by CW1, officers approaching the stolen Mustang saw the rifle in Arfmann's hands. For the weapon to be visible from outside the vehicle it must have been raised, and not merely lying on a seat or on the floor. In these circumstances, that was a clear and imminent threat to the lives of officers and civilians in the area, and an immediate forceful response was justified. When SO1 and SO2 fired at Arfmann, they did so to protect their lives and the lives of those around them.

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 3, 2020  
**Date of Release**