



**IN THE MATTER OF THE INJURY OF A MALE
WITH A POSSIBLE CONNECTION TO AN ACTION
BY A MEMBER OF THE RCMP
IN THE CITY OF KAMLOOPS, BRITISH COLUMBIA
ON SEPTEMBER 3, 2019**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2019-164

Date of Release:

March 12, 2020

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Introduction

On the afternoon of September 3, 2019, the Affected Person ('AP') was involved in a motor vehicle accident after a police officer turned to initiate a traffic stop for speeding. 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 AP and four civilian witnesses;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of police dispatch radio transmissions;
- scene examination and photographs; and
- medical records.

Pursuant to section 17.4 of the Memorandum of Understanding between the IIO and BC Police Agencies, officers whose actions are the subject of an investigation are not compelled to submit their notes, reports and data. In this case, the involved officer did not provide any evidence to the IIO.

Narrative

AP told IIO investigators that on September 3, 2019, at about 4:00 p.m., he was riding a motorcycle southbound on Westsyde Road, north of Kamloops. He said he was travelling at about 70 km/h. He remembered seeing a black pick-up truck, and said the next thing he remembered was waking up in hospital. He said he had no memory of having noticed a police officer or police vehicle at any point.

The driver of the pick-up truck, Civilian Witness 1 ('CW1'), described pulling out onto Westsyde to turn northbound when the motorcycle ridden by AP came from his left side and collided with the left rear corner of his truck. CW1 said that the speed limit in the area is 60 km/h, with warning signs for blind curves and hidden driveways, and he estimated the speed of the motorcycle at about 90 to 100 km/h. About five seconds after the collision, CW1 said, he heard a police siren and saw a police vehicle with its emergency lights flashing appear around a bend to the north. He said that the police officer arrived at the accident scene about ten seconds after the impact, and had no difficulty stopping safely at the scene as he had not been driving at a high speed.

CW1 said the officer told him that the motorcycle had been travelling at 80 km/h in a 60 km/h zone, and that it had taken some time for the officer to activate his lights and siren and turn around.

CW2, a passenger in the pick-up truck, said she could only recall seeing AP's motorcycle coming "fast" from the left, at "about 90 to 100 km/h", in the moment before the collision.

CW3 had been driving north shortly before the accident. She saw a police car ahead of her, driving in a normal manner in the same direction. A motorcycle came southbound travelling at a speed she judged as "too fast," and she saw the police vehicle activate its lights and siren and make a U-turn to follow the motorcycle.

CW4 said she had seen the motorcycle a few minutes before the accident, while driving southbound. She said that AP had cut her off and had then sped away in a manner she described as "reckless", and estimated his speed at about 100 km/h. Shortly after this, she came upon the accident scene.

Evidence showed that the collision occurred approximately 200 meters from where AP was originally seen by SO.

AP was found to have suffered a broken wrist and pelvis socket, a concussion and a ruptured spleen, as well as several lesser injuries.

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 there is any evidence that the involved officer may have committed a *Motor Vehicle Act* or *Criminal Code* driving offence, whether or not there was a causal connection to the harm to AP.

The evidence demonstrates that AP's injuries were caused solely by his own actions, and there is no evidence the officer committed any offence. The officer was described by eyewitnesses as driving throughout in a normal manner, and used his emergency lights and siren while making a U-turn and following AP to the accident scene. He had lawful grounds to attempt a traffic stop. His efforts to stop the motorcycle had effectively just begun when AP collided with the pickup truck. There was nothing about the actions or driving of SO that can be said to be inappropriate or illegal. He did what his duties required him to do: to attempt a traffic stop of a vehicle he believed had been speeding.

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.

A handwritten signature in blue ink that reads "Ronald J. MacDonald". The signature is written in a cursive style and is positioned above a horizontal line.

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

March 12, 2020
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