



**IN THE MATTER OF THE DEATH OF A MALE
IN CONNECTION WITH THE ACTIONS OF MEMBERS OF THE RCMP
IN THE FRASER CANYON NORTH OF THE DISTRICT MUNICIPALITY
OF HOPE, BRITISH COLUMBIA
ON JULY 23, 2019**

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

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| Chief Civilian Director: | Ronald J. MacDonald, Q.C. |
| IIO File Number: | 2019-130 |
| Date of Release: | June 12, 2020 |

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Introduction

On the morning of July 23, 2019, in the Fraser Canyon area of British Columbia, RCMP members were involved in lengthy attempts to pull over and detain the occupants of a stolen pick-up truck. When the truck was eventually disabled, four individuals ran off, while the driver remained in the vehicle. Police officers pursued and detained three of the individuals that had fled on foot. The fourth person was seen by one of the officers out in the Fraser River. That person, the Affected Person ('AP') in this case, was subsequently found deceased in the harbour at Mission. Because of the involvement of police officers in the incident, 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:

- the statement of a civilian witness and one witness police officer;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- photographic and video evidence from the scene;
- RCMP policies;
- review of GPS and other data from police vehicle Mobile Data Terminals ('MDT's'); and
- review of Closed-Circuit Television ('CCTV') recordings from commercial premises.

Narrative

At 9:58 a.m. on July 23, 2019, Hope RCMP received information that a stolen pick-up truck, was at a location in Yale, in the Fraser Canyon. The location in question was a known 'hot spot' for criminal activity.

Arriving at the scene at 10:51 a.m., Officer 1 saw the pick-up truck pull away from the location. Officers 2 and 3 parked at potential entry points to Highway 1, and an officer switched on the police vehicle's emergency lights in an unsuccessful attempt to pull the suspect vehicle over. At 11:12 a.m., Officer 4, who was on his way with his Police Service Dog ('PSD'), asked for and received authorization from the Hope detachment Watch Commander for officers to prepare spike belts north of Yale, and to deploy them if the truck were to return.

Over the next hour or so, several officers involved in following, surveilling and attempting to stop the suspect vehicle drove at speeds significantly in excess of applicable speed limits on sections of Highway 1 without using emergency lights or sirens.

After being lost to view for a period, the suspect truck was seen by Officers 1 and 5 at a gas station in Boston Bar, approximately 42 kilometres north of Yale. As the truck exited and continued northbound on the highway, Officer 5 followed at a distance in an unmarked police vehicle. When the truck made a U-turn, Officer 5 drove on past it and continued northbound. The truck then made a second U-turn, drove northbound behind Officer 5, and then passed on a double solid yellow line at high speed.

About twenty kilometres farther north, the pick-up truck turned south again, and then exited onto the Boothroyd Reserve. When Officers 1 and 5 approached it and ordered the occupants to exit the vehicle, it drove off again, southbound on the highway. Officer 4 was able to deploy a spike belt, which burst the truck's front right tire. Despite this, it drove on southwards at about 80 km/h with that wheel riding on the rim. Officer 4 broadcast instructions to other officers not to pursue, but to keep eyes on the stolen truck from a distance.

At 11:46 a.m., Officer 3 deployed another spike belt at the Alexandra Bridge, about ten kilometres south of the truck's location. Other traffic was kept from the bridge until the truck passed over and hit the spike belt, which was then retracted for police vehicles to follow. At 11:58 a.m., Officer 4 advised by radio that the truck had been "ditched" south of the bridge, and that the female driver was in custody.

Officer 6, a second dog handler, took his PSD and began to track the other occupants of the truck, who had fled on foot. Officer 4 with his PSD acted in the role of containment, south of the location. Officer 4 found a male and a female hiding in a forested area, and arrested them. Another male was located on nearby rail tracks, and was also arrested.

As he was tracking, Officer 6 saw a male (AP) out in the waters of the Fraser River. Officer 6 commanded AP to return to shore, but AP did not do so. AP was last seen out in the river current. An extensive search for him along the banks of the river by RCMP members and PSD's, over a period of approximately three hours, was unsuccessful. A police helicopter was requested, but was unable to attend. A Search and Rescue boat was dispatched from Hope, but could not transit beyond Yale because of hazardous water conditions. No boat capable of navigating past Yale was available.

On July 25, 2019, AP's body was found in the harbour at Mission, approximately 121 kilometres downstream from where he was last seen in the water.

Questioned by the police, the female driver, Civilian Witness 1 ('CW1') said she knew three of the male passengers in the truck, but did not know AP, except that he was "some guy who knew where to get drugs".

A toxicology report indicated that at the time of death AP had amphetamine and methamphetamine in his urine, as well as a very low concentration of ethanol.

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 primary issue to be considered in this case is whether any officer may have committed an offence that was a contributory cause of AP's death. A secondary issue is whether any officer may have committed an offence by the manner of his or her driving during the incident.

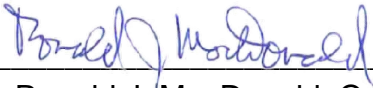
The officers involved in this case were responding to a report of a suspicious vehicle that they soon determined had been stolen, so were justified in taking steps to maintain contact with the vehicle with a view to stopping it and investigating its occupants. On the evidence, they did not engage in an improper high-speed pursuit at any point. They tried to execute a routine traffic stop, without success, and then simply followed and kept track of the vehicle until there was an opportunity to disable it with spike belts. As set out above, the first of those attempts was unsuccessful, and the determination of the suspects to evade police was demonstrated by the driver's willingness to continue at 80 km/h with one tire blown out. Then, when the second deployment of a spike belt succeeded in bringing the vehicle to a stop, officers responded in a measured and appropriate manner by tracking and containing the fleeing suspects using police dogs.

While it is unfortunate that AP chose to escape apprehension by going into the river, and chose further to ignore police directions to return to the shore, no officer can be blamed for those imprudent decisions on the part of AP. There is no evidence that any officer did anything beyond justifiable attempts to take AP into custody.

Regarding the second issue, a thorough analysis of the driving behaviour of all involved officers has been undertaken by the IIO. Provincial motor vehicle legislation and regulations permit an officer driving an emergency vehicle to exceed speed limits in certain circumstances, and to do so without the use of emergency lights or sirens where it is appropriate for the conditions. The analysis of speed and location data from all involved police vehicles, in association with a detailed review of road conditions, sight

lines and other relevant factors, leads me to conclude that all involved officers in this case were driving at all times within the ranges of permissible speeds under the applicable legal rules.

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

June 12, 2020

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