



**IN THE MATTER OF THE INJURY OF A MALE
WHILE BEING APPREHENDED BY MEMBERS OF THE
VANCOUVER POLICE DEPARTMENT IN
THE CITY OF VANCOUVER, BRITISH COLUMBIA
ON APRIL 22, 2020**

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

Chief Civilian Director:	Ronald J. MacDonald, Q.C.
IIO File Number:	2020-071
Date of Release:	September 16, 2020

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Introduction

The Affected Person ('AP') was arrested at a downtown Vancouver hotel for breach of probation conditions, by Vancouver Police Department officers with the assistance of a Police Service Dog ('PSD'), and suffered injuries. The Independent Investigations Office was notified, and conducted an investigation. The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

- statements of AP, two paramedics and three witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- 911 call and police radio recordings;
- photographic and Closed-Circuit Television ('CCTV') video from the scene; and
- medical evidence.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, the Subject Officer ('SO') did not provide any evidence to the IIO.

Narrative

AP told IIO investigators that on April 22, 2020, he had been visiting his brother at a downtown Vancouver hotel, even though he knew he was not supposed to be there. He said he went to the next room to get a cigarette and fell asleep on the bed. The next thing he knew, he said, was that someone kicked down the door and came in with a dog, which bit him on the head and arm.

Vancouver police had received a call from the manager of the hotel, complaining that the Affected Person ('AP') had been seen in a hotel hallway swinging a hatchet. At the time, AP was subject to court-ordered conditions not to be at the hotel and not to be in possession of edged weapons. He was known by the attending officers to have an extensive and violent criminal history, including weapons offences and violence against police.

AP was confirmed to be in a suite rented to his brother. Police officers knocked at the door and ordered anyone in the suite to come out into the hallway with their hands up. AP's brother complied, and was taken into custody without incident.

When AP failed to exit the suite or respond to commands, and after announcing that he was coming in with a dog, SO entered and searched the suite with the assistance of his PSD. AP was not there, and had evidently left through the window, which was subsequently confirmed by AP's brother, who told officers that AP had gone out through

the window when police announced their presence. Seeing that it would be impossible to climb down to the ground and that the window of the adjacent suite was open with items on the windowsill knocked over, the officers concluded that AP was now in the adjacent suite. The hotel manager told them that the lawful occupant of that suite would not have given AP permission to enter.

Witness Officer 1 ('WO1'), a trained police negotiator, shouted multiple times through the door of the suite for anyone inside to come out, but there was no response. Officers obtained a room key from management and unlocked the door. It was necessary to kick the door several times to open it, as a chair had been jammed against it from the inside.

Once again, SO shouted warnings that if AP did not come out, SO would come in and search with the dog, and anyone in the room was at risk of being bitten. When SO and the PSD entered, the PSD found AP hiding under a blanket between the bed and the wall, and was seen by officers as they entered the room to be holding AP's arm in its teeth (it appears to have made initial contact with AP's head, as he was subsequently found to have a superficial injury to his scalp). Other officers pulled AP out into the hall and the dog was taken off. Seeing that AP's arm was injured, an ambulance was called.

Attending paramedics described the involved officers as "calm and professional", saying they acted in a "nice and friendly" way with AP. WO1 assisted in treating AP's wounds. At the hospital, AP was found to have lacerations on his scalp and lacerations and puncture wounds on his right upper arm.

A hatchet was found in AP's brother's room. CCTV video viewed by IIO investigators confirmed that before police attendance, AP had been going in and out of the room, gesticulating and holding a hatchet in his hand.

Legal Issues and Conclusion

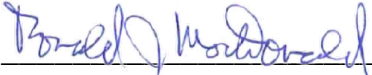
The purpose of any IIO investigation is to determine whether there are reasonable grounds to believe that an officer, through an action or inaction, may have committed any offence in relation to an incident resulting in serious harm or death. More specifically, the issue to be considered in this case is whether SO's deployment of force (in the form of his PSD) against AP amounted to a criminal offence. If he was acting as required or authorized by law, on reasonable grounds, he was justified in using as much force as was necessary. Use of unauthorized or excessive force, on the other hand, could result in criminal liability.

The attending officers were clearly acting in execution of their duty when they went to the hotel in response to a report of breaches of court orders by AP. They were acting lawfully in entering guest rooms without a special warrant that would usually be required to make

an arrest in a dwelling house, because the circumstances were 'exigent', or urgent, and because AP was in the suites unlawfully, himself. There was ample evidence that he was first in his brother's suite, and then in the adjacent one, and that he was acting in a manner that potentially put himself or others in danger.

His failure or refusal to come out when ordered by police to do so made it necessary for officers to force an entry, and the danger involved where it was suspected that AP was suffering from a psychotic episode and had very recently been seen carrying a hatchet justified employment of the PSD to reduce the risk of harm to the officers. The actions of the PSD were no more than were reasonably necessary to get AP under control, no other force was employed, and the evidence shows that in all other respects AP was treated with consideration.

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

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