



**IN THE MATTER OF THE DEATH OF A MALE  
DESPITE THE EFFORTS OF MEMBERS OF THE  
VICTORIA POLICE DEPARTMENT IN  
THE CITY OF VICTORIA, BRITISH COLUMBIA  
ON AUGUST 6, 2020**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2020-194

Date of Release:

December 4, 2020

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## **INTRODUCTION**

In the early morning hours of August 6, 2020, Victoria Police Officers were called to a parkade in downtown Victoria. The Affected Person ('AP') in this case was sitting at the edge of the eighth floor of the parkade, threatening to jump. Officers, including a trained police negotiator, attended, and the negotiator talked with AP for an extended period. Unfortunately, despite appearing to change his mind and agreeing to go with police to hospital, AP suddenly jumped to the street below and did not survive. 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:

- statements of one civilian witness and five witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records; and
- police dispatch radio channel audio recordings.

## **NARRATIVE**

At about 1:00 a.m. on August 6, 2020, Civilian Witness 1 ('CW1'), a security guard at a downtown Victoria multi-storey parkade, found AP sitting at the edge of the eighth floor of the parkade with his legs hanging over the railing. AP told the guard to "back off" or he would jump. The guard backed away and called Victoria police.

Witness Officers 1 and 2 ('WO1' and 'WO2') arrived shortly afterwards, and parked a floor below where AP was sitting. When they started to approach AP he told them to stay back and again threatened to jump. WO1 described AP as leaning out over the railing with one hand and one foot hooked on it. The officers evaluated AP as someone apparently suffering from a mental disorder and a clear suicide risk. They called for a trained police negotiator to attend. WO5 is a trained negotiator, and was on patrol duty at the time. She arrived within a few minutes and walked up to the parkade floor where WO1 and WO2 were monitoring AP from a safe distance.

WO3 and WO4 were stationed on the street controlling traffic. WO3 told IIO investigators that said she could hear the negotiator's voice as she engaged with AP, and said it was "calm and consistent". WO1 described the negotiator's manner as "calm, articulate, personable, inviting and relaxed". WO1 said AP was apparently intoxicated. His speech was slurred, she said, and he was drinking from a bottle. WO4 said he heard comments from AP such as "fuck off, I don't want to talk".

WO5, the police negotiator, told IIO investigators that when she arrived at the scene, she initially started to approach AP, but when he told her to stop she did (WO5's PRIME report

states that she remained “20 to 50 feet” away from AP for the “approximate one hour” duration of her interaction with AP). She said AP told her that he wanted the police to leave. She described engaging AP in an extended conversation, and noticing that he was “obviously intoxicated”. She asked if she could sit with him, and he adamantly refused to let her come closer. AP was constantly pacing, she said, and was repeatedly looking over the railing, down at the street. “He would not tell me what was wrong”, she said, and told her he was okay: “Yup, I haven’t jumped yet”. WO5 said that over the next while, he told her some of his background, and she felt they were establishing rapport. AP brought out cigarettes, and WO5 sent WO2 for a lighter, hoping AP would come over to take it. When he declined to do so, WO1 threw a lighter to AP, said WO5, and he lit a cigarette.

Finally, WO5 said, she told AP her goal was simply to get him to hospital so he could tell someone “what was going on”, and he agreed. WO1 brought a police vehicle nearer and AP said he would walk by himself to the car:

*And when [WO1] came back, he was still, you know, in his stuff on the ground. And at one point, he looked at me, he stood up. He had an oversized shirt, it looked so big for him, because he’s not a big guy, he had a cell phone, and he put it in his pocket ... and he grabbed his bottle of vodka, and then he launched himself over the railing.*

Both WO1 and WO2 witnessed AP’s act. WO1 said she had brought the police vehicle up from the seventh floor of the parkade to the eighth, ready to transport AP, when AP suddenly threw down his cigarette, threw his arm and leg over the railing, and “with momentum the rest of his body carried up over that”. WO2 was close to WO5 at the time. He recalled that after about an hour of negotiations, WO5 had approached to within five to ten metres from AP. AP had agreed, WO2 said, to go to hospital and had started to pick up personal items and pack them in his backpack. WO2 recalled that AP suddenly stepped up onto the concrete barrier, grabbed the railing and “kinda flopped over the top ... and he was gone”.

On the street below, WO3 said, she heard the pitch of WO5’s voice change, and heard WO5 say “No, don’t do that. Stop”. WO3 and WO4 then saw AP falling, and WO4 said that the bottle was still in his hand.

There is no Closed-Circuit Television (‘CCTV’) coverage of the eighth floor of the parkade. CCTV is installed only on the ground floor level.

## **LEGAL ISSUES AND CONCLUSION**

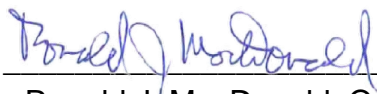
The purpose of any IIO investigation is to determine whether there are reasonable grounds to believe that an officer, through an action or inaction, may have committed any offence in relation to an incident resulting in serious harm or death. More specifically, the

issue to be considered in this case is whether any officer may have committed any offence in connection with AP's death.

All the involved officers were clearly acting in execution of their duty in attending at the scene, and in doing everything they could to bring AP safely down from the parkade. Because of her training and qualifications, it properly fell to WO5 to take the primary role in that endeavour. The evidence, both of CW1 and the witness officers, establishes that AP was seriously contemplating suicide both before and after police arrival, and officers could not reasonably walk away and simply hope he would decide to come down from the parkade of his own accord.

The evidence also paints a picture of patient, skilled and empathetic attempts by WO5, over a period of approximately an hour, to persuade AP to go safely and peacefully to hospital where he could receive care—attempts that appeared to have been successful right up the moment that AP, for his own reasons, chose the tragic alternative. Neither WO5 nor any other officer can be faulted for that decision, which was AP's alone. There is no evidence that any officer failed to do anything that should have been done to save AP from himself, and no evidence either than any act by any officer provoked AP to do what he unfortunately chose to do. Indeed, the evidence demonstrates the opposite: that police, in particular WO5, did everything that could be expected.

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.



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

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