



**IN THE MATTER OF THE DEATH OF A MALE FOLLOWING
INTERACTIONS WITH RCMP
IN
THE VILLAGE OF LYTTON, BRITISH COLUMBIA
ON AUGUST 12, 2020**

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

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

IIO File Number: 2020-225

Date of Release: May 13, 2021

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Introduction

On August 12, 2020, an RCMP officer (Subject Officer 1, 'SO1') attempted to conduct a traffic stop near Lytton, British Columbia to investigate a speeding driver that he later suspected was impaired (Affected Person, 'AP'). As SO1 was about to conduct a sobriety test on AP, AP ran off on foot across the highway and into trees down a steep bank. AP's body was found six days later in a river.

Because the death occurred following AP's interaction with police, 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 four civilian witnesses;
- audio recordings from AP;
- Police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- recordings of the police radio transmissions;
- scene photos and drone footage;
- expert evidence from an engineer who specializes in river flow patterns; and
- autopsy report.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, Subject Officer 2 ('SO2') provided the IIO with access to his PRIME records.

Narrative

On August 12, 2020 at approximately 10:30 p.m, an RCMP officer (Subject Officer 1, 'SO1') conducted a traffic stop on a highway near Lytton, British Columbia to investigate a suspected impaired driver (the Affected Person, 'AP').

AP phoned a family member (Civilian Witness 1, 'CW1') just after he started engaging with police. CW1 recorded the phone conversation with AP, and it also captured some of the interaction between SO1 and AP.

IIO investigators reviewed the seventeen minute phone recording. AP can be overheard on the recording telling SO1 that *"there is a blue mustang that is trying to get me"*. AP also made comments to SO1 that suggested that he may be under the influence of a drug. There are a few instances on the recording where SO1 could be heard telling AP to get out of his vehicle and also later telling AP that he is being detained.

The radio communications from SO1 provided details as to what happened next. SO1 radioed: *“My male driver just took off on me and went down into the bushes. Can you send my back up please?”* SO1 then stated *“Disregard. I have them on the line right now.”* SO1 had contacted SO2 by telephone to relay the circumstances of the traffic stop and AP’s flight from police. SO2 confirmed SO1’s plan not to pursue AP. SO1 then requested a tow truck for the vehicle that AP was driving.

AP did not return home that evening. CW1 attended the Lytton RCMP detachment the following day to pick AP up, and it was discovered that he was missing. SO1 explained to CW1 that SO1 was in the middle of conducting a sobriety test on AP when he ran off on foot. AP crossed two lanes of highway traffic and went down a steep bank.

SO1 explained his rationale for not pursuing AP on the previous night, stating that it was night time, he had no backup and it was hazardous terrain. SO1 also said that AP was in good physical condition, the weather was warm outside, and there was nothing that was giving SO1 a safety concern. SO1 assumed that AP would go home, as he lived nearby.

Several foot searches with the assistance of police service dog were conducted for AP once he was reported missing by CW1. The police also tracked AP’s bank cards and phone records and there was no activity after the time AP ran from police. Despite their efforts, AP was not located.

Six days after AP had first interacted with police, a body was recovered from the Fraser River near Hope, British Columbia. Several weeks later, it was positively confirmed that the body was that of AP and that he had drowned in the river. There was a witness (Civilian Witness 2 ‘CW2’) who believed that he saw AP in between the time AP interacted with police and when he was found deceased, but this information could not be verified as accurate.

Several investigative steps were taken to try to identify when, where and why AP had entered the river. This included seeking information from the pathologist about time of death and engaging an expert in river flow patterns to determine how long it would take a body to travel along the Fraser River to where it was found. Despite all efforts, the IIO was unable to definitively determine when, where and why AP entered the river, and at what point he drowned.

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.

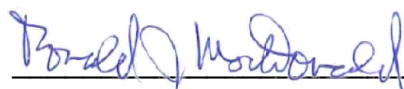
More specifically, the issue to be considered in this case is whether SO1 may have committed any offence in connection with AP's death by not searching for AP immediately when he disappeared down a steep bank after taking off from police.

A police officer is not held to a legal standard of perfection when making decisions. Instead, their decisions are assessed based on reasonableness, and any departures from the standard of reasonableness must be marked and substantial in order to be a criminal offence.

Although in hindsight it could be questioned whether an earlier search by SO1 may have discovered AP before he drowned, this case must be based on what the officer knew at the time, and what actions the officer took at that point. It was not safe for the officer to chase AP down a steep bank on a dark night with no other officers as backup. In addition, there did not appear to be an urgency to find AP at that time, as there were no grounds to believe that AP would harm himself or others. It was also reasonable for SO1 to believe that AP would go home after he ran away from the traffic stop.

Sadly, AP was found deceased six days later. There is no evidence to suggest the outcome would have been different had SO1 searched for him that night. In these circumstances, SO1's actions were reasonable, and do not constitute a marked and substantial departure from the appropriate standard of care.

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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