



**IN THE MATTER OF THE INJURY OF AN INDIVIDUAL
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP
ON QUADRA ISLAND, BRITISH COLUMBIA
ON JULY 18, 2021**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

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INTRODUCTION

On the afternoon of July 18, 2021, RCMP officers went to the residence of the Affected Person ('AP') in response to complaints from neighbours that AP had been yelling and screaming all day. AP was initially barricaded in the home and Emergency Response Team members were called in. AP then armed themselves with a spear gun and confronted officers, and the Subject Officer ('SO') deployed a Police Service Dog ('PSD'), which bit AP and caused a serious injury to AP's leg. 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, two other civilian witnesses and five witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of 911 calls and police radio transmissions;
- photographs and a videoed walkthrough of the scene;
- B.C. Emergency Health Services records;
- photographs of AP's injuries; and
- other 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 has not provided any account to the IIO.

NARRATIVE

AP, who uses they/them pronouns, told IIO investigators that on July 18, 2021, they had been working on their house and had consumed some "libations" to celebrate progress with the work. An issue with respect to their girlfriend caused AP to become distraught and, AP said, they "started screaming that I wanted someone to shoot me in the head, and I guess somebody called the cops about it, 'cos I wouldn't stop screaming and crying. So then I remember the dog part very, very vaguely".

AP recalled police attending, and thinking that the officers were "a person that was stalking me". AP said they remembered telling the officers that they should not come on their property, but if they did they should shoot AP, "as I would like to be shot ... and that's sort of... then there was a dog, and then I was in hospital". AP acknowledged grabbing a

spearfishing gun “so that I’d have something gun-like”, hoping to make police shoot them, but added, “I didn’t think they’d sic a dog on me”.

RCMP records show that at about 6:40 p.m. that day, there were two separate 911 calls seeking police attendance at AP’s home. AP was reported as having been yelling and screaming throughout the day, and neighbours were concerned. Witness Officer 1 (‘WO1’) responded, arriving on scene at 7:23 p.m. He later told IIO investigators that, hearing someone screaming for help, he followed a path through brush to a trailer, where he found AP lying partly naked on a bed. Identifying himself as a police officer, WO1 said, he asked AP if they needed assistance, and requested that they come outside the trailer. WO1 said that AP became agitated, so he backed out of the trailer to provide privacy for AP to get dressed.

Looking back into the trailer, WO1 continued, he saw AP reaching for a spear gun, and told AP not to. AP’s response, he said, was to tell WO1 several times, “I’m gonna fucking kill you”. WO1 retreated to the roadway and called for a backup officer to attend. Radio recordings indicate that WO1 spoke with WO2 and told him about AP’s threats and possession of the spear gun. WO2 immediately went to join WO1 outside AP’s property. WO2 told IIO investigators that he and WO1 then went to AP’s trailer, and WO2 called to AP, trying to establish a dialogue with the goal of having AP come out. AP, WO2 said, “lost it, [they] became extremely angry at me, screaming and yelling”. WO2 said that AP exited the trailer carrying a “harpoon” style spear gun (not pointed at the officers) and sat in the doorway. The officers went back to WO2’s police vehicle and called for further assistance. While waiting for other members to arrive, officers called to AP to advise they were intending to apprehend AP under the *Mental Health Act*. During this period, AP came in and out of the trailer, holding the harpoon and staring at the officers, though they did not make any overt threats towards them.

WO3 said that when he arrived, he found WO1 and WO2 positioned behind trees, trying to communicate with AP. He described the officers’ demeanour as relaxed and calm. WO3 armed himself with a police carbine and took on the role of ‘lethal overwatch’, while the other two officers continued attempts at de-escalation. WO3 told investigators that AP’s response shifted between “Help, help, help!” and “Kill me, kill me, kill me!” He said he felt that “it was going to be very hard to make any kind of communication with the person”.

By 10:13 p.m., Emergency Response Team (‘ERT’) members had arrived, and three officers, WO4, WO5 and the Subject Officer (‘SO’) approached the trailer using night vision equipment. SO was a dog handler, and was accompanied by his Police Service Dog (‘PSD’). WO4 was armed with a 40 mm ‘less lethal’ projectile launcher, and WO5 was carrying a police carbine rifle. The officers had formed a plan to attempt to apprehend

AP without the use of weapons if officers could approach while AP was not armed with a weapon. The officers called out to AP, telling them they were the police and were there to help them. WO4 also asked Dispatch to attempt to contact AP on their cell phone, but there was no response.

AP shouted that the officers were to get off their property, but was told that the officers could not do that. In AP's IIO interview, they acknowledged having an imperfect memory of the incident, but recalled that "I wanted them to shoot me 'cause I was drunk and suicidal ... and I thought, fine, let's just escalate things. I'll throw some gas on the fire. I've got a spear fishing gun, it looks like a gun, I'll wave it".

At 10:26 p.m., AP came out through their front door and advanced towards WO4 shouting, "Kill me, kill me!" WO4 told investigators that he could not tell if AP was still armed, and decided to deploy a round from his 40 mm projectile.

WO5 told the IIO that the officers did not want AP getting back into the trailer:

...because we didn't know where the weapon was at, we didn't know if anyone else was inside that residence either, right? So, it's like the unknown. We have [them] outside now. [AP] obviously has weapons that [they] can commit suicide, or [they] could obviously present us with death or grievous bodily harm, so we don't want [them] to get back in there to get a weapon. We know [AP] doesn't have a weapon right now and we can't let [them] go back. That was paramount.

As WO4 was about to fire a projectile at AP, AP started to turn back towards the door of their trailer. At that moment, SO deployed his PSD, which bit AP in the area of their upper left thigh. WO4 and WO5 moved in to control AP's arms, and SO removed the dog.

WO5 said he immediately noticed that arterial blood was pumping from AP's leg, and that there was already a large pool of blood on the ground:

So, [WO4] jumped into action and plugged his fingers into the hole, trying to stop the bleeding, and then got a tourniquet on it. I was working on finding my Celox [wound dressing designed to slow or stop bleeding using a clotting agent, or hemostat], so I grabbed my Celox and was able to get it to [WO4].

Until 10:40 pm., when paramedics arrived, WO4 and WO5 continued working to keep AP conscious and alive, obtaining additional dressings from other officers and applying them to AP's wounds to bring the bleeding under control. AP later recalled telling officers, "Save my life, save my life".

WO5 told AP that AP was being apprehended under the *Mental Health Act*. AP was loaded onto a stretcher and transported to hospital by ambulance. At the scene, officers located potential weapons beside the door of the trailer, including a spear gun, a machete, a hatchet and pruning shears.

AP subsequently underwent surgery to repair a femoral artery and skin grafting. AP spent a month in hospital, and is now reported to have a positive long term prognosis.

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 the deployment of the PSD by SO was unauthorized, unnecessary or an excessive use of force in the circumstances, so as to amount to an assault with a weapon and causing bodily harm, or an aggravated assault.

There is no doubt that all the involved officers were acting in lawful exercise of their duty in responding to 911 calls about an individual in apparent mental distress. Further, AP's behaviour in response to contact with WO1 and WO2 was sufficiently concerning to justify their apprehension under the provisions of the *Mental Health Act*, as a person who was 'acting in a manner likely to endanger that person's own safety or the safety of others, and is apparently a person with a mental disorder'. The officers were authorized to use whatever force was necessary and reasonable, both to take AP into custody and to protect themselves or others against any threat AP might pose in resisting the apprehension.

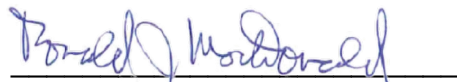
The evidence demonstrates that police faced a very challenging situation in this case, and that they tried for a considerable time to bring the incident to an end without violence, by communicating with AP and attempting to de-escalate. However, it is clear from all accounts, including the narrative provided by AP, that AP was not inclined either to engage with police or to go with officers peacefully. In fact, it appears that AP was determined to provoke the use of force against them.

In those circumstances, including the repeated display of a weapon by AP, it made good sense that once AP was outside of the trailer without a weapon police should attempt to prevent AP from re-entering the trailer. The deployment of either of the 'intermediate force options' available (the 40 mm launcher or the PSD) were justified and proportionate to the threat faced by police. A PSD is trained to take a subject down by either an arm or a

leg, and a bite to the leg would not usually be expected to cause harm as serious as occurred in this case. The very serious harm suffered by AP was unfortunate, but does not make the use of the dog retrospectively unreasonable.

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.

It is worth noting that the involved witness officers transitioned very quickly from apprehension to life-saving measures, and are to be commended for the effectiveness of their actions.



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

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