



**IN THE MATTER OF THE DEATH OF A MALE
DURING AN INCIDENT INVOLVING MEMBERS OF THE RCMP
IN COQUITLAM, BRITISH COLUMBIA
ON AUGUST 1, 2021**

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

Chief Civilian Director:	Ronald J. MacDonald, Q.C.
IIO File Number:	2021-209
Date of Release:	June 3, 2022

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INTRODUCTION

In the early morning hours of August 1, 2021, RCMP members were dispatched to a reported domestic disturbance at an 11th floor apartment in a high-rise residential building in Coquitlam. During police attendance, the Affected Person ('AP') jumped or fell from the apartment balcony and died from injuries sustained in the fall. 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 two civilian witnesses and two witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of 911 call and police radio transmissions;
- scene and exhibit examination and photographs; and
- autopsy and toxicology reports.

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') permitted IIO investigators to review a PRIME report setting out what a more senior officer said SO had stated to him regarding his part in the incident, but has otherwise given no evidence.

NARRATIVE

911 Call

At 3:18 a.m. on August 1, 2021, police received a 911 call from Civilian Witness 1 ('CW1'), saying that her partner, the Affected Person ('AP') in this case, was drunk and was being abusive to her. The recording of the call shows that CW1 was emotional, sobbing and crying. During the call, CW1 and AP could be heard talking and shouting at each other. CW1 told the call-taker that AP had punched some glass and injured his hand, and that there was "blood everywhere". She said that AP had a knife, and she could be heard shouting, "Get away from me, get away from me". All this information was passed on by Dispatch to responding officers. In the course of those broadcasts, Dispatch described the knife said to be in AP's possession as a "switchblade".

As the officers were arriving on scene and were about to come up in the elevator, CW1 could be heard telling AP to leave and go down the stairs. As police then came to the apartment door and entered, CW1 could be heard saying, "He's going to go on the

balcony, he's going to jump off the balcony ... the police are here ... did he jump? No, did he jump?"

Physical Layout of Scene

The entrance door to the one-bedroom apartment opens into a hallway that turns to the right, with closet doors opposite the entry door. The hallway then turns left past a spur passage to a bathroom, and the door of a storage room. It then continues past kitchen and bedroom entrances into the living room. In the far right corner of the living room, there is a doorway out onto a small balcony. There is no line of sight from the front door to the balcony, nor from the area of the hallway closet.

The balcony is three to four metres long, but only about one and a half metres deep. At the time of the incident it was dark apart from some illumination from a lamp, through a window on the bedroom wall.

Civilian Witness Evidence

CW1 has given statements to the RCMP and to the IIO. She says that she told AP the police were coming up to the apartment, and "he went to the next level, and went running around the whole house like with his head cut off". She told him to leave by the stairs, and says he put on a hoodie and opened the door to leave. Seeing police officers in the hall, she says, AP panicked and slammed the door in their faces. CW1 says that she opened the door for police, and was pushed aside "against the closet" as officers ran past her in pursuit of AP, who had about "a five second start" on them.

CW1 told the IIO that as she followed the officers and reached the kitchen area, she heard an officer say "Freeze". She said that at that time there were two officers on the balcony and a third on the threshold. CW1 earlier told a police interviewer that she heard "Freeze" or "Stop". CW1 told IIO investigators that she did not see officers interact with AP, but had told the police interviewer that she thought the officers may have seen AP, which was consistent with her recollection that she had heard a direction issued by an officer to AP.

Police Evidence

In his IIO interview, WO1 described SO attempting to force open the apartment door, and then moving into the apartment as CW1 opened the door. WO1 said that the three officers entered closely together, with SO in the lead followed by WO1 and then WO2 (in his own statement, WO2 recalled being second into the home behind SO).

WO1 said that he saw CW1 still on the phone with the 911 call taker. He asked her, "Where is he?" and CW1 replied, "He said he's going to jump" (as noted above, on the

recording of the 911 call, CW1 can be heard saying, “He’s going to go on the balcony, he’s going to jump off the balcony”).

WO1 said he followed closely behind SO, holding onto his police vest. WO1 was carrying a 40 mm ‘less lethal’ projectile launcher, slung and pointed to the ground. He said that WO2 was behind him, to his left, and the officers were moving forward at a walking pace. WO1 said that even when they were about four feet from the balcony door, they still could not see directly out onto it. He saw SO, ahead of him, reach the door and look out, and heard him say, “No, wait, don’t”. Both WO1 and WO2 told investigators that when they were able to see onto the balcony, in the dim light, they could see no one there. They said that they checked the bedroom to see if AP had entered it through the window from the balcony, but found it empty. The officers shone flashlights down from the balcony, wondering if AP might have made his way down to the floor below, and saw the outline of a body on the rooftop parking lot below. SO broadcast, “He did jump off the building. He’s on the roof of the building below. He’s not moving”.

SO provided a brief report to a superior officer at the scene. He is reported to have said that he entered the apartment with his service pistol drawn, because it had been reported that AP was in possession of a “switchblade”. He attempted to open the apartment door, which was unlocked, but AP pushed the door closed. After further police attempts to enter, CW1 opened the door for them. SO is reported to have said that, seeing AP go to the balcony, he did not pursue as he wanted to try to de-escalate the situation. He said he saw AP climb over the railing, and thought his intention was to jump down to the suite below, but when he went out on the balcony himself he saw AP’s body on the parking lot.

Physical Evidence

No evidence of blood was found on any of the involved officers’ hands, uniforms or equipment. Blood was found on the balcony railing (AP had cut his hand during the altercation with CW1, as relayed by CW1 in her 911 call).

Located near AP’s body, on the parking area below the balcony, was a silver-handled knife in a nylon sheath.

Allegation by Unidentified Individual

After the release by the IIO of an appeal for witnesses, there was a response via a contact form on the IIO web site. The writer claimed to have seen “the whole thing” while out for “a late night stroll”, and accused the RCMP officers of lying, and of having committed a murder by pushing AP off the balcony. Apart from that central allegation, the note does not include any information not readily available to the public by way of the earlier IIO media release about the incident.

Only a first name and initial letter of a surname were provided by the informant, as well as an email address. IIO investigators attempted to contact the individual via the email address provided, but received no response on the first attempt. Further emails to the address resulted in a notification that the emails were undeliverable. No other contact information was provided. IIO investigators also attempted to trace the IP address from which the initial contact email was sent, but without success.

Through further examination of the scene, IIO investigators noted that, while unobstructed views of the balcony can be obtained from several street-level locations in daylight, there is no exterior light source that illuminates the balcony at night. At the time of the incident the balcony (which is on the 11th floor) was barely lit from the interior and it would appear unlikely that a street level observer would have had the ability to determine clearly what happened on the balcony.

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 caused AP to jump or fall from the balcony through an unjustified use of force or threats.

As an initial point, it has to be said that the allegation by an essentially anonymous individual, referred to above, cannot be afforded any weight. It seems implausible that someone out for a night-time stroll had their attention drawn to a balcony high up on an apartment building by events that transpired there over only a very few seconds, and was then able to see, in the darkness and from a considerable distance, exactly what happened. The writer is unequivocal that the involved officers committed murder and lied about it, yet provides no details beyond the bald allegation. Finally, no usable identification is provided, and the email address provided appears either to be false or to have been closed by the user.

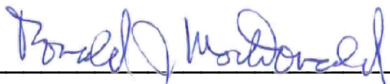
The evidence obtained otherwise, from both civilian and police witnesses, is both internally consistent and corroborated by physical evidence and the audio recordings of CW1's 911 call and police radio transmissions.

Attending officers were acting in lawful execution of their duty when they entered the apartment. They were responding to reliable information that domestic violence was occurring and that CW1 was in immediate need of assistance. They understood that AP was armed with a knife (an allegation borne out by the subsequent finding of a dagger-style knife in a sheath near AP's body), and was resistant to their entry into the home. In

those circumstances, they were justified in forcibly entering to detain AP and in the precautionary drawing of weapons for potential self-defence.

CW1's evidence and her statement, recorded on the 911 call, that AP was "going to jump off the balcony", as well as the physical evidence of his bloody hand prints on the balcony railing, strongly support a conclusion that AP either jumped deliberately, or was attempting to climb down, hampered by his already injured hand. The evidence is that while SO saw AP going over the rail and called to him to stop, he did not in any way make physical contact with AP, or cause him to jump or fall by threats or precipitous pursuit.

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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