



**IN THE MATTER OF THE INJURY OF A FEMALE  
IN CONNECTION WITH THE ACTIONS OF MEMBERS OF THE RCMP  
IN THE CITY OF RICHMOND, BRITISH COLUMBIA  
ON OCTOBER 7, 2019**

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

Chief Civilian Director:	Ronald J. MacDonald, Q.C.
IIO File Number:	2019-191
Date of Release:	August 30, 2021

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## Introduction

On October 7, 2019, an individual who had been ordered detained at Richmond General Hospital on a *Mental Health Act* certificate walked away from the hospital and subsequently stole a police car. The pursuit that ensued ended with a head-on collision between the stolen police vehicle and a vehicle driven by the Affected Person ('AP'), who was seriously injured. 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 AP, six other civilian witnesses and ten witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- video recordings from AP's vehicle, multiple police vehicles and private residences;
- vehicle mechanical inspections and collision reconstruction reports;
- vehicle data downloads, including GPS data;
- police policies; 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

At a little after 12:30 p.m. on October 7, 2019, AP was driving northbound on Gilbert Road in Richmond. The weather was sunny with good visibility, and there was little traffic. AP saw police vehicles approaching in the opposite direction, emergency lights and sirens activated, so she pulled over and stopped to clear the way for them. She was then "really surprised" to see one of the police vehicles, "going really fast", drive diagonally across the street directly at her. "I couldn't understand what's going on", said AP, "because there was like so much space ... but it was aiming [at] my car". AP was seriously injured and was taken to hospital, where she was diagnosed with broken ribs and a left pneumothorax (collapsed lung), in addition to leg and ankle fractures.

The driver of the errant police car was Civilian Witness 1 ('CW1'), who subsequently explained that the incident had started when he was trying to pass through security at Vancouver International Airport, intending to obtain "a free seat to go back home ... but it turns out it wouldn't work". He said he had been taken forcibly from the airport to hospital,

where “people were saying ‘he’s crazy’ ... so that didn’t work”. He said he had found an unlocked door and had walked out of the hospital. He was followed by someone trying to make him go back, he said, “so I started running away”. Wanting to escape from police who then took up the pursuit, said CW1, and not wanting to steal a civilian’s car, he took a police car instead and was pepper-sprayed by an officer. “From then on”, he said, “I was almost driving blindly”. Because of that, said CW1, “I end up in a few accidents, and the last accident was that lady”. When he was interviewed by IIO investigators, CW1 said that he “strongly believed” that the entire incident, including the injuries to AP and to himself, was caused by “police decisions, and how they handled everything”. He said he had simply been “cornered into trying to go home using that [police] car”.

The rest of the narrative was pieced together by IIO investigators from a body of evidence that included the accounts of civilian eyewitnesses and witness police officers, video recordings and vehicle data downloads.

Witness Officer 1 (‘WO1’) reported that he had encountered CW1 at the airport on the evening of October 6, 2019. CW1 was trying to fly out of the country without a ticket, and was dressed only in his underwear. CW1 was described as agitated and uncooperative, and was apprehended and taken to hospital, where he was certified under the *Mental Health Act*.

The next day, though, shortly after noon, CW1 walked out of the hospital. CW2, a hospital employee, called 911 and followed CW1 from the hospital into a residential neighbourhood. WO3, responding to the call, located CW1 and told him he was under arrest. CW1 ran off and WO3 followed, first in his vehicle and then on foot through the yards of houses. WO4 also attended, and left his police vehicle on a driveway, unlocked and running. CW1 then doubled back, evading the pursuing officers, and got into WO4’s police car.

Both WO3 and WO4 tried unsuccessfully to pull CW1 out of the car. WO3 tried to incapacitate CW1 with oleoresin capsicum (OC, or pepper) spray, but it did not appear to have any effect on him, though it did contaminate both officers. CW1 threw the car into reverse and backed out into the street, almost hitting CW2. WO3 and WO4 followed the stolen police vehicle up the street, first on foot and then in WO3’s vehicle.

As he drove northbound on Gilbert Road, CW1 almost collided head-on with another police vehicle driven by WO5, with WO6 riding as passenger. WO5 turned to pursue, and saw CW1 drive through a red light. They could hear CW1 transmitting on the police radio from within the stolen car, talking about “defending” himself and saying “Oh no, I have to kill your cops. They can’t stop me. I’m gonna kill myself if you don’t”. WO5 told IIO investigators that, knowing there were weapons in the stolen police car, her threat

assessment was high. She said she would have “taken [him] out”, but could not at that point because of the danger to vehicular and pedestrian traffic.

CW1 was driving wildly and collided with a barrier, which spun the stolen police vehicle around. WO6 commanded him to stop, using the vehicle’s loudhailer, but CW1 proceeded to speed off southbound into oncoming traffic, then crossed over back into the southbound lanes. WO5 followed close behind with her emergency lights and siren activated in an attempt to warn traffic ahead. SO then joined the chase, pulling between the stolen police car driven by CW1 and other pursuing officers.

A short distance farther on, the stolen car driven by CW1 collided with a stationary unmarked police van operated by WO7, and then struck a civilian vehicle. WO5 and WO6 saw CW1 hit a fence as it continued on along Gilbert, and saw sparks flying from the damaged driver’s side of the stolen vehicle. They then saw CW1 cross the centre line and collide head-on with AP’s vehicle. SO drove his police vehicle against CW1’s driver-side door, and the pursuit came to an end.

The incident had taken just under 24 minutes in total. WO5’s pursuit had lasted for approximately five of those minutes. SO had pursued CW1 as the lead police vehicle for one minute and forty seconds. Although SO was following close behind the stolen police car driven by CW1 at the time it veered left across the road, collision analysis indicated that this change of course was not caused by any physical contact between vehicles. A post-crash mechanical inspection also concluded that there was “no evidence of steer component failure pre-crash”.

## **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 an officer may have committed a driving offence in relation to the pursuit that led to AP’s injuries.

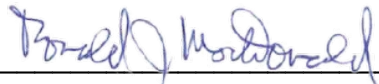
The involved officers were clearly acting in execution of their duty in attempting to apprehend CW1. He had absconded from detention in hospital for mental health reasons, and was unlawfully at large. When he took a police car and drove it wildly through the streets, with access to weapons inside the vehicle, he posed a serious risk of harm to members of the public and a pursuit was justified.

RCMP policy does not directly address whether an officer should ever leave a vehicle running unattended, although it does specify that officers have a general duty to safeguard RCMP assets. While it is an offence under the *Motor Vehicle Act*, in normal

circumstances, to leave a vehicle as WO4 did in this case, it would not be reasonable to forward a charge given the urgency of the situation and the need to respond quickly to apprehend a fugitive on foot.

On the evidence, the speeds reached by pursuing officers were not excessive in the circumstances, and emergency lights and sirens were used appropriately. There is no evidence that CW1's action in swerving across the street and colliding with AP's vehicle was caused in any way by SO. The serious injuries to AP were very unfortunate, but were caused by the acts of a CW1, who was suffering from mental wellness issues at the time, and not directly by police.

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

August 30, 2021

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