



**IN THE MATTER OF THE DEATH OF A MALE
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP
IN COQUITLAM, BRITISH COLUMBIA
ON OCTOBER 19, 2021**

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

Chief Civilian Director:	Ronald J. MacDonald, K.C.
IIO File Number:	2021-288
<u>Date of Release:</u>	<u>November 1, 2022</u>

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INTRODUCTION

On October 19, 2021, Coquitlam RCMP responded to concerns about a male who was understood to be under the influence of drugs and who was outside in his underwear in the cold early morning hours. Officers located the male, who had been pounding on the front door of a house and had caused the residents to call 911. After being taken to the ground by officers and subdued, AP went into medical distress and was taken to hospital. He did not recover, and was pronounced deceased about two days later. 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 five civilian witnesses and five witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of a 911 call and police radio transmissions;
- civilian cell phone recordings;
- medical records; and
- postmortem report.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, neither Subject Officer has provided any evidence to the IIO.

NARRATIVE

In the early morning hours of October 19, 2021, police were asked to assist in a search for the Affected Person ('AP'), who was reported to be outdoors dressed only in tee shirt and underwear after consuming unknown quantities of drugs. The search narrowed when they received a report of someone banging his head repeatedly on the front door of a residence, causing considerable anxiety to the home's occupants. One of the residents recorded video and audio on a cell phone.

Subject Officer 1 ('SO1') located AP on the street, and the cell phone video shows AP aggressively pursuing SO1 as the officer backs away along the street. SO1 then turns and backs up in the opposite direction as AP continues to come fixedly after him, arms extended in a zombie-like attitude. A male voice is heard saying, "Get on the ground". SO1 is shining a flashlight at AP, but the video does not appear to show any use of force

by the officer against him. AP's hands are empty, but his actions are aggressive and threatening in appearance. At times, he closes to within two or three arm-lengths from the retreating officer.

Police radio recordings show that SO1 told other officers that it appeared AP "wants to fight", and indicate that SO1 deployed pepper spray at AP in an attempt to subdue him. SO2 and other backup officers then arrived on scene, and SO2 tackled AP to the ground. The move was described by one civilian witness as a "bear hug", and there is no evidence that any weapons or blows were used by any officer.

Witness Officer 1 ('WO1'), who was the third officer to arrive, told IIO investigators that there was blood on AP's face before he was taken to the ground. He said that AP did not offer significant resistance after he was taken down, and felt he did not need to rush in to assist in subduing AP.

WO2 said that when he arrived, he found AP had been placed in the recovery position, in handcuffs, and said he was asked to get a blanket to cover him. AP had begun to cough and "splutter", and an ambulance was called. Shortly after this, officers were not able to find a pulse, so released the handcuffs and started CPR. Firefighters arrived, followed by paramedics, and took over AP's care. In due course, AP was transported to hospital. He was declared deceased on October 21, 2021.

The autopsy report notes the cause of death as the "combined effects of delirium and multifactorial restraint". In this case, 'multifactorial restraint' is referring to the brief period that AP was handcuffed and face-down, and the report explains, "while this position alone would not cause significant breathing difficulty, it likely contributed to breathing difficulty in the setting of a state of delirium and exposure to OC spray...there was no evidence of neck compression, significant blunt force injuries, or significant bruising on the neck, back, or chest resulting from compression/restraint". Other significant contributory conditions are described as "chronic polysubstance use, cardiomegaly [enlargement of the heart] and cold exposure". Because AP spent a number of days in hospital before blood was drawn upon his death, toxicological analysis was inconclusive.

In the course of this investigation, IIO investigators gathered a body of background evidence related to AP's history and circumstances. That evidence will not be detailed in this report to preserve the privacy of the deceased, but it establishes that by the time of the police interaction on October 19, 2021, AP had for a significant period been suffering from mental health, addictions and medical issues that culminated in his actions on that date and in his unfortunate death.

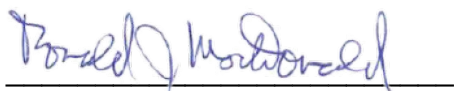
LEGAL ISSUES AND CONCLUSION

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 caused serious harm by the use of unnecessary or excessive force against AP during his apprehension.

The attending officers, including the Subject Officers, were acting in lawful execution of their duty in responding, first to a request to help find AP (who was out in the cold in his underwear, acting irrationally) and then to a complaint that he was beating on the front door of a residence. There were grounds to arrest AP for mischief and also to apprehend him under the *Mental Health Act* for conveyance to hospital. AP's actions in confronting and chasing SO1 could also reasonably be considered an assault on a peace officer. The video evidence shows an extended opportunity offered by SO1 for de-escalation.

There is no evidence, given the circumstances, that it was unreasonable either for SO1 to pepper spray AP, or for SO2 to "bear hug" him and take him down onto the ground. Further, there is no suggestion that any officer delivered any blows to AP, or used excessive force in any other manner. The involved officers could not have predicted that placing AP on the ground in handcuffs for a brief time in his delirious state would lead to cardiac arrest and his subsequent death. On the evidence, as soon as AP showed signs of distress he was cared for appropriately.

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, K.C.
Chief Civilian Director

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