



**IN THE MATTER OF THE INJURY OF A MALE  
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP  
IN RICHMOND, BRITISH COLUMBIA  
ON OCTOBER 5, 2021**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2021-271

Date of Release:

April 14, 2022

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## INTRODUCTION

On the afternoon of October 5, 2021, Richmond RCMP received a report that the Affected Person in this case ('AP') was on the street waving a knife. Three officers responded, and AP almost immediately ran at one of them, slashing with the knife. A total of seven shots were fired at AP by two of the officers, and he was seriously injured. 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 one witness police officer;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of 911 calls and police radio transmissions;
- Closed-Circuit Television ('CCTV') and cell phone video recordings;
- forensic scene processing and review of scene logs; and
- B.C. Emergency Health Services records.

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

## NARRATIVE

At about 1:14 p.m. on October 5, 2021, Civilian Witness 1 ('CW1') called 911 to report a male (AP) standing on a corner in a residential neighbourhood, waving a large kitchen knife and apparently talking to himself.

The best evidence of what happened when responding police officers arrived is found in video recordings of the incident. The video evidence corroborates accounts from civilian and police witnesses and permits a well-informed evaluation of the risk posed by AP at the time he was shot by police. The video shows the incident unfolding as follows:

- Three police officers arrive on scene, in separate vehicles but at approximately the same time. Subject Officer 1 ('SO1') is driving the first police vehicle. He gets out of the vehicle and immediately draws his pistol. He points it at AP, who is standing about twenty feet away holding a large knife, and shouts, "Police! Drop the knife!" At this point, AP is on the sidewalk at a driveway entrance, to the right of the police vehicles as they drove up.

- Witness Officer 1 ('WO1'), who had pulled up behind SO1, exits his vehicle and moves around to the passenger side. Like SO1, WO1 points his firearm at AP and also shouts for AP to drop the knife.
- SO2, third to arrive, exits his vehicle and holds his pistol at the 'low ready'. SO2 also moves around his police vehicle in the direction of the sidewalk along which AP is standing (there are parked cars on both sides of the street).
- Within a very few seconds, AP waves the knife in the air, runs out into the street across the front of SO1's vehicle, and pursues SO1 back past his own and WO1's police vehicles, making aggressive motions in front of him with the knife.
- SO1 backs up rapidly, and at a point where AP has closed to within approximately ten feet from him, fires three rounds from his pistol at AP. The shots do not immediately seem to take effect, and as SO1 now turns to run from AP, AP slashes at his back with the knife, almost making contact.
- In the course of that slashing motion, AP appeared to lose balance and starts to fall forward, and at the same moment, SO1 turns, still half running, and fires two more shots.
- AP, who has fallen to the ground and rolled over momentarily on his back, rises almost immediately to his knees and reaches for the knife, which is lying within reach in front of him and slightly to his left.
- SO2, from a position at the rear of WO1's vehicle, fires two shots at AP in quick succession. One round ricochets off the pavement and strikes the window of a home across the street (the window is double-glazed, and only the outer pane is damaged). The second round strikes AP, who falls back onto the road and quickly becomes motionless.

AP was transported to hospital, where he was found to have two bullet wounds to the chest, one to his abdomen and a fourth in his left thigh. AP was treated for his wounds, but was not certified under the *Mental Health Act* despite a reported concern about his "elevated risk of psychosis given his history of and ongoing stimulant use".

Asked later about the incident by IIO investigators, AP appeared to have a limited recollection of the incident. He said he recalled going out with a long knife that had a rounded point. He said that when he saw police, he tried to chase an officer away, but could not because "they shot me". He said he heard four or five shots, and the next thing he remembered was waking up in the hospital.

The knife in AP's possession at the time of the incident was examined by IIO investigators, and was found to be a serrated bread knife with a blade approximately 20 cm in length.

## LEGAL ISSUES AND CONCLUSION

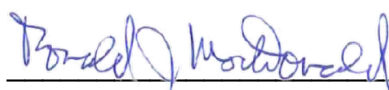
The purpose of any IIO investigation is to determine whether there are reasonable grounds to believe that an officer, through an action or inaction, may have committed any offence in relation to an incident resulting in serious harm or death. More specifically, the issue to be considered in this case is whether either of the Subject Officers may have committed an offence by deploying unnecessary or excessive force against AP. The resolution of that issue is fairly straightforward.

All three involved officers were acting in lawful execution of their duty when they responded to a complaint about AP acting strangely on the street while in possession of a large knife. As noted above, AP was immediately confronted by the officers with pointed firearms. There is no way to know whether AP's aggressive reaction was provoked, wholly or in part, simply by the officers' presence, or subsequent display of weapons. Regardless, the officers' action of arriving and having weapons drawn was certainly appropriate given the proximity of AP, his reported behaviour and the fact that he was holding a large knife. While in every challenging interaction with a member of the public, police should consider attempts at de-escalation, in this case the officers had to consider their protection first, then move to de-escalation efforts. Given that AP's virtually immediate response to police presence was to charge SO1 with every indication of lethal intent, no police officer had any chance at de-escalation.

SO1 has not given an account of his actions or their justifications, but it can safely be assumed that he had a subjective fear of imminent grievous bodily harm or death, and that fear would have been objectively very reasonable. For his part, SO2 would have had a similar and continuing presentiment of danger when he saw AP, on the ground but in the act of rising and reaching for his dropped weapon. The bottom line is AP was trying to stab an officer with a large knife, and missed doing so by mere inches.

Both Subject Officers, therefore, were justified in deploying potentially lethal force in defence of themselves and each other. The discharge of their firearms was justified as a necessary use of force that was proportionate to the threat posed by AP.

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

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