



**IN THE MATTER OF THE INJURY OF A FEMALE
IN A TRAFFIC COLLISION INVOLVING A MEMBER OF THE RCMP
IN RICHMOND, BRITISH COLUMBIA
ON NOVEMBER 6, 2021**

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

Chief Civilian Director:

Ronald J. MacDonald, K.C.

IIO File Number:

2021-305

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INTRODUCTION

In the early morning hours of November 6, 2021, the Subject Officer ('SO') was patrolling a residential area in Richmond in his police SUV when he collided with the Affected Person ('AP'), who was on foot. AP suffered a serious injury. 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:

- AP's statement to the IIO;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- residential security video recordings;
- data downloads from SO's police vehicle;
- GPS mapping and collision analysis report;
- scene examination and video drive-throughs; 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, SO provided access to his written PRIME report.

NARRATIVE

AP told IIO investigators that on the evening of November 5, 2021, she took an Uber taxi home to Richmond after spending time with friends in Vancouver. Believing that the driver had passed her home and becoming concerned about his behaviour, she said, she got him to stop and exited the car, intending to walk back to her house. During the interview, she described her condition variously as having been "tipsy but coherent", "a little incoherent", "spaced out" and "drunk".

AP stated that as she was crossing the intersection of two streets, which she named, a marked RCMP vehicle failed to yield to her after failing to stop at a stop sign and struck her, causing her to fall to the ground, injured.

Investigation by police and the IIO determined that the incident actually occurred at an intersection a significant distance from the location where AP believed it had happened, and it appears that AP was mistakenly walking away from her home at the time, rather than toward it.

The incident was captured on residential security video obtained by the IIO. At 3:31 a.m., AP can be seen passing on the street. She is wearing dark clothing, and is running shakily along in the roadway, though fairly close to the sidewalk. She pauses briefly, and then runs forward again, now closer to the centre of the road. Vehicle headlights (SO's police SUV) can be seen approaching on the cross street, and although the actual collision is not visible, AP is seen to fall and roll away from the point of impact.

In SO's PRIME report, he states that at the time of the collision he was driving a marked police vehicle, patrolling a residential area. The weather, he says, was rainy and the streets were wet (evidence from other sources suggests that the rain had not actually begun at the time of the incident). He states that as he was making a left turn into a side street his vehicle struck a pedestrian (AP) that he had not seen before the collision. SO states that AP was "almost in the middle" of the street when struck. He describes her as wearing a black leather jacket, brown tee shirt, black jeans and black boots.

AP was transported from the scene to hospital. Her medical records indicate that she admitted consuming alcohol and cocaine on the night in question, and was possibly suffering from cocaine toxicity. She was diagnosed with an injury to her right knee, which was repaired with surgery.

Collision reconstruction based on scene examination and a data download from SO's police vehicle showed that the collision occurred as SO was turning from a through street onto a subsidiary street, the exit of which was controlled by a stop sign. GPS data indicates that as SO approached the turn, his vehicle slowed fairly steadily from 44.3 km/h, and the impact appears to have occurred at a very low speed. The unposted default speed limit in the area is 50 km/h. While it was not possible to determine with certainty precisely where the collision occurred, the best estimate based on all the data is that AP had proceeded several steps past the stop line on the side street and was about to enter the intersection with the through street. SO appears to have been 'cutting the corner' somewhat in the course of his left turn, though only by a slight amount.

An examination of SO's police vehicle did not note any mechanical defects, and there was no visible damage from the collision with AP. The airbags had not deployed. There was no evidence that SO was operating the vehicle's data terminal immediately before or at the time of the collision.

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

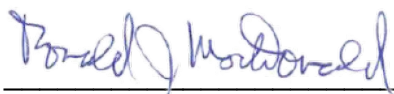
issue to be considered in this case is whether SO may have committed an offence by the manner of operating his police vehicle at the material time.

AP's description of events, if accurate, would lead to a conclusion that SO had committed offences by proceeding through a stop sign and by striking a pedestrian who was crossing the street with the right of way. Unfortunately, based on the factors set out above, AP's account is clearly unreliable and does not assist in an evaluation of this case.

The video recording is the best evidence of how the incident occurred. AP, dressed almost entirely in black, was running unsteadily along a dark residential street, almost in the middle of the road, at a time when virtually no other traffic, vehicular or pedestrian, was about. At the time of the collision, she was not in a crosswalk, either marked or unmarked. She was struck as SO was making a legal left turn from a through street onto a side street at a very modest speed, and the lack of any discernible damage to the police vehicle confirms that the collision occurred at minimal speed. The data suggest, in fact, that the collision was as much a matter of AP running into the front of the police vehicle as of SO driving into AP.

It is unfortunate that AP suffered injury from the impact and fall, but there is no evidence capable of establishing grounds to believe SO was not exercising all due diligence at the time.

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

September 27, 2022

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