



**IN THE MATTER OF THE SERIOUS HARM OF A MALE
WHILE BEING APPREHENDED BY MEMBERS OF THE
RCMP IN PRINCE GEORGE, BRITISH COLUMBIA
ON OCTOBER 6, 2021**

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

Chief Civilian Director:

Ronald J. MacDonald, K.C.

IIO File Number:

2021-296

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Introduction

On the afternoon of October 6, 2021, RCMP officers in Prince George were called to assist following a dispute on a roadway where the Affected Person ('AP') had allegedly displayed a firearm. Officers later located AP at a residence, and AP was arrested using a police service dog, which bit his arm causing injuries.

Because the injury occurred in connection with the actions of police officers, 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 six civilian witnesses;
- statement of AP;
- statements of six witness police officers;
- Police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- recordings of police radio transmissions;
- forensic analysis of a cell phone;
- photos of AP's injuries; and
- medical records of AP.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, SO did not provide any account to the IIO.

Narrative

On October 6, 2021 at 5:55 pm, the Prince George RCMP received a 911 phone call from Civilian Witness 1 ('CW1') who was involved in a dispute with the Affected Person ('AP') on a roadway where the AP had allegedly displayed a firearm.

CW1 told the 911 call taker that AP had cocked and pointed a sawed-off shotgun at CW1. CW1 described the vehicle, licence plate and direction of travel. CW1 remained on the line with the call taker to update his location as he remained in his vehicle and followed AP's vehicle throughout the neighborhood.

Officers were dispatched to a weapons call involving a sawed-off shotgun.

CW1 observed AP drive to a residence. AP got out of his vehicle unarmed and walked down the driveway into a building that was located a few meters away from the residence on the same property.

Witness Officer 1 ('WO1') and Witness Officer 2 ('WO2') were the first officers to arrive at the residence. WO1 pulled up to the residence while AP was walking down the driveway. Officers quickly drew their guns as they got out of their vehicles.

Over the radio, the following transmission was made by WO1 at 6:04 pm:

"Male was challenged and went into the back room [building] saying 'fuck you to me'"

WO1 said AP appeared to be unarmed as he walked from his truck to the building, but that he believed the risk that AP presented was high because a firearm was reported to have been used to threaten someone and it was unknown whether AP was armed.

There were two other individuals initially inside the building that AP entered. Civilian Witness 2 ('CW2') said that AP came into the building and told him that the cops were there and *"this was going to get ugly"*.

CW2 observed four police officers outside the building. Civilian Witness 3 ('CW3'), ran across the street and observed, where CW3 heard AP telling the officers to get a search warrant.

AP said that when he walked out of the building *"There were no less than twenty rifles aimed directly at me"*. AP said that he heard commands the second he walked out the door that he was under arrest. AP said that he replied *"No. F-you I am. I'm not, put the guns down...you're scaring me, I don't know what to do here"*.

Witness Officer 3 ('WO3') described what AP was doing in a similar way. WO3 said that AP peeked out of the building two to three times before coming out saying that he was not under arrest, and that he would not get on the ground.

Witness Officer 4 ('WO4') observed the interaction from a short distance away. He saw AP *"playing"* with his phone and heard AP say that he was calling his lawyer. WO4 did not observe AP complying with police demands.

A plan was made by the officers to arrest AP as he came out of the building. The officers issued commands for AP to *"Get on the ground"* and that he was under arrest. In response, WO4 said that AP did not comply, instead saying *"come on guys"*. At that time, the Subject Officer ('SO') released his police service dog ('PSD'), which bit AP on the right arm and took him to the ground.

AP described this part of the incident differently from the officers that were present. AP said that the officers approached him from behind and that the dog was *"ripping my arm apart"*. AP said that he was kicked in the head and smashed in the ribs. He said he felt a knee on his back, and the PSD was not released until both handcuffs were on him.

AP was taken to the hospital with multiple dog bites to his upper right arm which required sutures. He was treated and released back into RCMP custody. He returned to the hospital later as his injuries were not healing properly, and surgery was required to his arm.

AP told IIO investigators that the officers had deleted a video that was captured on his phone during the incident. IIO investigators enlisted an independent forensic video expert to determine whether or not a video had been deleted from AP's phone, and there was no evidence to conclude that a video had been deleted from the phone.

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 deploying the PSD on AP that caused injury. If an officer is acting as required or authorized by law, on reasonable grounds, they are justified in using as much force as necessary. Use of unauthorized or excessive force, on the other hand, could result in criminal liability.

In these circumstances, the officers were acting lawfully, in execution of their duties when they arrested AP following a 911 call that he had pointed a firearm at someone. It was necessary for AP to be arrested immediately due to the safety risks he posed.

In this case, a PSD was used to arrest AP. The BC Provincial Policing Standards set out the framework for the use of PSDs by police officers in British Columbia. PSDs are considered "intermediate weapons" in the context of police use of force. BC Policing Standards permit the use of PSDs for apprehending suspects, but state that "*police dog bites must be minimized as much as reasonably possible and must be proportional to the risk posed to the handler and others*".

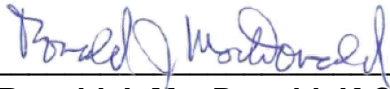
AP was alleged to have pointed a firearm at a stranger, and had fled to a building that officers were not familiar with, where other individuals were present. He did not comply with any of the officers' directions, and was openly hostile towards the officers, telling them to "*Fuck off!*". It is reasonable for the officers to believe that AP posed a high threat and risk to them in these circumstances.

Once AP had left the building, he continued not to comply with officer instructions. By his own admission, AP said that he refused to get on the ground and cooperate with officers demands, swearing at them instead.

AP had been given many opportunities to comply with officers' demands in this case, and refused to do so. Once outside the building, it was important for officers to control AP quickly and prevent him from returning back to a building with unknown individuals and the potential for other weapons.

It was both necessary and reasonable, in those circumstances, for AP's compliance to be obtained by a PSD to physically hold on to him until he could be handcuffed safely. Once AP was under control and in handcuffs, the PSD was removed from AP. The injuries from the PSD were initially minimal. It is unfortunate that complications later resulted in AP requiring surgery.

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

January 16, 2023

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