



**IN THE MATTER OF THE DEATH A MALE
DURING AN INCIDENT INVOLVING THE SAANICH POLICE
DEPARTMENT IN
SAANICH, BRITISH COLUMBIA
ON FEBRUARY 21, 2022**

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

Chief Civilian Director:	Ronald J. MacDonald, K.C.
IIO File Number:	2022-030
Date of Release:	November 24, 2022

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Introduction

In the early evening of February 21, 2022, Saanich Police Department ('SPD') officers were called to assist in keeping the peace during the service of an eviction notice to a resident. Officers arrived and the Affected Person ('AP') barricaded himself in the residence. After a long stand-off with police, AP accidentally shot himself with a crossbow and died.

Because the injury occurred in connection with the actions of police, 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:

- statement of AP;
- statements of nine civilian witnesses;
- statement of twenty eight witness police officers;
- 9-1-1 calls;
- police Computer-Aided Dispatch ('CAD');
- Police Records Information Management Environment ('PRIME') records;
- police radio to radio transmissions;
- video from civilian witnesses;
- evidence seized from scene; and
- post-mortem examination report.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, none of the Subject Officers provided any evidence to the IIO.

Narrative

At 5:00 p.m. on February 21, 2022, the Saanich Police Department was called to attend a residence to keep the peace and stand by during the serving of an eviction notice to a tenant by his landlord.

Witness Officer 1 ('WO1') and Witness Officer 2 ('WO2') attended, along with the landlord (Civilian Witness 1 ('CW1')), who served the Affected Person ('AP') with the notice. Once served, AP went back into the residence and came out with what appeared to be an assault style rifle (later discovered to be an air gun). Witness Officer 1 (WO1) said that the AP then stated: "*How about we trespass with this?*"

Believing it to be a real firearm, WO1 feared for his life and found cover behind a tree, pulling out his own firearm in the process. WO2 shouted commands at AP to “*drop the weapon*”. AP did not drop the weapon and instead returned inside the residence.

Neighbors from across the street noticed the police arriving and heard the interaction between AP and the officers. Civilian Witness 2 (‘CW2’) said he first heard them speaking about an eviction notice. He described the tone as “casual” at first, but that it quickly escalated to police having their guns drawn. CW2 then moved away from the window and put his cell phone on the window ledge to record the incident.

The officers contained the scene and called the Greater Victoria Emergency Response Team (‘GVERT’) and Crisis Team to assist.

At 5:55 p.m., AP re-emerged from the residence and shot the air gun at the police car that was outside the residence. He then barricaded himself in the residence once again, opening a window to fire again at the police car once more when he was inside.

AP fired his weapon again out the window towards the police cars at 6:11 p.m. Civilian Witness 3 (‘CW3’) captured each occasion on video. The other police officers present also witnessed AP opening the window and pointing and firing various weapons, which they believed to be different each time.

The police car windows were broken and there were 30-40 pellet holes in each of the two police vehicles that were hit.

At 6:40 p.m., GVERT arrived and took control of the scene from the Saanich Police Department. Hours passed as officers attempted to negotiate with AP to leave the premises with his hands up. Various tactics were used with little to no success.

Witness Officer 3 (‘WO3’) described that AP would come to the window and yell non-sensical statements, and also mentioned things about conspiracies and wanting the police to leave. Witness Officer 4 (‘WO4’) said that he overheard the AP say “*police are not brave enough to come inside*”.

CW3 also heard the conversation between AP and police. CW3 said that AP would come to the window and scream at the officers. At one point, AP told officers that he had a hostage inside.

Background checks were conducted by Witness Officer 5 (‘WO5’), and it was discovered that AP possessed weapons seized by police on two prior occasions, and that those weapons had been returned to AP. AP had a series of previous encounters with police due to his mental health. It was also discovered by the background check that AP had five rifles, a shotgun, a cross bow, pellet gun and various ammunition.

Attempts were made by officers to speak to AP at 8:41 p.m. by providing AP with a phone. AP came out to collect the phone initially, but then threw it back at the officers. Witness Officer 6 ('WO6') fired five 'less lethal' ARWEN rounds at AP, as he moved closer to the officers. ARWEN is the short form of 'Anti Riot Weapon Enfield', which is a weapon that fires projectiles.

AP returned to the residence and continued to be non-compliant. WO6 observed that AP did not have any noticeable effects from the ARWEN rounds that were deployed.

A new plan was made by officers to discharge chlorobenzalmalononitrile gas (sometimes referred to as cs gas or tear gas) into the residence in an attempt to get AP to exit peacefully. At 11:20 p.m., gas was deployed in the residence. Approximately ten minutes later, AP called 911 and reported that he had accidentally shot himself with a crossbow because officers had 'pepper sprayed' him.

At 11:39 p.m., AP's call was transferred to Witness Officer 7 ('WO7'), who is a police negotiator. WO7 provided AP with instructions for exiting the residence over the phone, and asked AP to come out with nothing in his hands. Given what had happened so far, officers were not sure whether AP was being truthful or not as to whether he was injured.

WO7 encouraged AP to come to the front door where he could be seen by officers. AP then came near the front door and collapsed. After taking some steps to ensure that AP was actually suffering from a medical emergency, officers entered the residence and AP was retrieved and was found to be non-responsive. A security search of the residence was conducted, and a rifle was found nearby the window where AP was located.

Emergency Health Services and the Fire Department were staged nearby and were able to provide medical care quickly, once deemed safe to do so by officers. Paramedics attended to AP and pronounced him deceased at the front lawn of the residence. An autopsy was performed, and the cause of death was determined to be a crossbow bolt to AP's chest.

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 an offence by using unjustified, unnecessary or excessive force against AP.

Officers were acting lawfully, in execution of their duties, when they responded to keep the peace when CW1 was serving an eviction notice on AP. Officers are often called to assist in these type of situations, when there is a security or safety concern expressed.

Although it started out calmly, the matter escalated quickly to AP threatening violence and pulling out an assault style rifle on the officers and CW1. The assault style rifle was later discovered to be an air gun, but based on appearance alone, officers could not have been able to determine this with certainty as the incident was unfolding. WO1 described that he feared for his life.

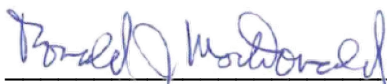
Over the course of several hours, police officers negotiated with AP to try to get him to exit the residence peacefully. In return, they were met with AP shouting and firing weapons at police vehicles on three different occasions. This was mostly recorded on video from nearby residences.

As several hours went by, officers tried various tactics to get AP to leave the residence peacefully and they were unsuccessful. As a result, they used gas to force AP to leave the residence, and he accidentally shot himself with a crossbow.

It cannot be said that the decision to deploy gas into the residence by the officers was unreasonable in the circumstances. The officers had tried various tactics, all of which were unsuccessful to that point. The use of gas was a non-violent tactic to get AP to leave the residence, and was reasonable in the circumstances. The tactic sits on the lower end of the use of force spectrum, and well within the range of options that were available to the officers at that point. Unforeseen to the officers, AP shot himself with a cross-bow by accident during this process.

Based on his previous behavior, and the presence of weapons, it was reasonable for police to be concerned that AP may have still been a threat to officers even after his 911 call that he shot himself. Officers proceeded cautiously and AP was provided with medical assistance as soon as it was safe to do so.

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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