



**IN THE MATTER OF THE INJURY OF A MALE
WHILE BEING APPREHENDED BY MEMBERS OF THE
VANCOUVER POLICE DEPARTMENT IN
VANCOUVER, BRITISH COLUMBIA
ON FEBRUARY 20, 2022**

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

Chief Civilian Director:

Ronald J. MacDonald, K.C.

IIO File Number:

2022-027

Date of Release:

October 31, 2022

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INTRODUCTION

On the morning of February 20, 2022, Vancouver Police Department ('VPD') officers went to a residence in East Vancouver to execute an arrest warrant for the Affected Person ('AP'), who was a court-designated dangerous offender subject to a long-term supervision order. As police arrived at the residence, AP fled along the street, pursued by officers on foot. A Police Service Dog ('PSD') was released by the Subject Officer ('SO'), and the dog bit AP and pulled him to the ground. The dog was taken off once officers gained control of AP and placed him in handcuffs.

Because AP had suffered a serious dog bite injury to his leg, 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, four other civilian witnesses and four 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;
- security camera video recordings from residential locations; 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 has not provided any evidence to the IIO.

NARRATIVE

Interviewed by IIO investigators, AP gave his account of how he came to be arrested and injured. He acknowledged that at the time he had been wanted by the police, and said that he had been at a friend's home in Surrey. He said he intended to turn himself in, and had arranged for someone to make a CrimeStoppers call for the purpose of obtaining a \$5,000 reward that was offered.

AP said that, about half an hour later, he saw a police officer and police dog in the yard, so went outside. There was a police car on the road, he said, and he walked towards it. He had only walked about twenty feet when he heard yelling behind him. AP stated that the officers announced themselves as "VPD" before "dog-piling" on him. He said he was given no chance to surrender. He was handcuffed, he said, and the officers then started beating him. One officer put pressure on his back while another placed him in a chokehold

so he could not breathe or see. Another officer, AP said, punched him in the face. Regarding the dog bite, AP's recollection was unclear. He thought it must have happened while he was being choked, but said he could not be sure because the choking caused him to lose consciousness for a time.

AP acknowledged that he had lived formerly at the address in East Vancouver where the arrest actually occurred, but insisted that he was arrested in Surrey, and was clear in his recollection that he was taken to Surrey Memorial Hospital, not Vancouver General Hospital, which was where IIO investigators found medical records of his admission.

Fortunately, AP's apprehension was recorded from several perspectives by residential security cameras. The objective evidence provided by the video corroborates the accounts of the involved officers, and establishes what actually happened on February 20, 2022—not in Surrey but at a residential address in East Vancouver.

Police attendance was prompted by a 911 call from a civilian who had recently been alerted to the fact that police were looking for AP, and had been given AP's description. The 911 caller said that a male matching the description was in a back yard, pacing around. Responding officers were aware that AP was designated as a dangerous offender wanted on a Canada-wide warrant. He was flagged as violent and a flight risk.

Just after noon, Witness Officer 1 ('WO1') went into the back yard in the company of SO with his PSD. AP evidently became aware of the police presence, and moved up the side of the house and into the front yard where he was confronted by WO2, who yelled, "Police, stop, you're under arrest!"

AP jumped over a side fence into the neighbouring property, and then ran out onto the sidewalk. He began running westbound down the street, weaving in and out of parked cars, on and off the sidewalk, with WO2 chasing on foot.

SO then released the PSD, which quickly overtook WO2, who stood aside between parked vehicles to avoid being bitten by the dog. The PSD caught up with AP, bit him on the leg and caused him to fall to the ground. Shortly afterwards, other officers arrived, including WO3, who was driving a police wagon. SO ran to take control of the PSD while WO1, WO2 and WO3 handcuffed AP on the ground. The PSD was then taken off AP's leg. The dog was in contact with AP's leg for 19 seconds after SO arrived, and for 41 seconds in total.

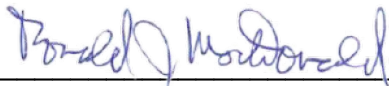
LEGAL ISSUES AND CONCLUSION

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 used unauthorized, unnecessary or excessive force against AP, and in particular whether SO's deployment of the PSD was necessary and reasonable in the circumstances.

As set out above, AP has given an account that would certainly raise concerns in several respects about use of excessive force by the arresting officers. AP's account, however, suffers from some difficulties: specifically, it does not correspond in almost any respect with objective third-party video evidence of the incident. There was no attempt by AP to surrender, no "dog pile" of officers on him, no choking, no blows—and not entirely without significance, the events occurred in Vancouver, not Surrey. The officers may well have shouted "VPD", as AP said, but that was because they actually were VPD officers, working within their own jurisdiction of Vancouver.

AP, a man flagged as dangerous and violent, was told he was under arrest, but chose to flee. It was not unreasonable to use the PSD in one of its acceptable roles, to chase after and apprehend a wanted fugitive. The dog, as trained, took hold of a limb and held the initial grip until taken off by its handler as soon as reasonably possible, once AP was fully controlled by officers. Neither the evidence of witnesses nor the video evidence indicates any other significant use of force against 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.



Ronald J. MacDonald, K.C.
Chief Civilian Director

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