



**IN THE MATTER OF THE DEATH OF A MALE
IN AN INCIDENT INVOLVING MEMBERS OF THE
VANCOUVER POLICE DEPARTMENT IN
VANCOUVER, BRITISH COLUMBIA
ON APRIL 27, 2022**

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

Chief Civilian Director:

Ronald J. MacDonald, KC

IIO File Number:

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INTRODUCTION

On the evening of April 27, 2022, police officers went to a residence in East Vancouver to assist paramedics who had been summoned by a resident after the Affected Person ('AP') began to suffer delusions and violent seizures. Attempts by police to de-escalate failed, and AP discharged a firearm at officers. More police resources were deployed, and after AP fired multiple further rounds from a semi-automatic pistol, he was shot by officers and was subsequently declared deceased.

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 fourteen civilian witnesses, five Emergency Health Services first responders and thirteen witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of 911 calls and police radio transmissions;
- video and audio recordings of some parts of the incident;
- scene photographs and exhibit examinations;
- firearms examinations; and
- autopsy and toxicology reports.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, all four Subject Officers provided evidence in written form, which assisted the IIO greatly in understanding what happened during the incident.

NARRATIVE

At 8:26 p.m. on April 27, 2022, Civilian Witness 1 ('CW1') called 911 from his home, saying that a friend (AP) was "having a seizure". As the process to dispatch an ambulance began, the call taker kept CW1 on the line and received further information. CW1 said that AP had "banged" his face or head and was bleeding. He also said that AP had bitten him and was running around and trying to leave through the window. A little later, he said that AP had hit him. These indications of potential violence caused the call taker to bring a police dispatcher in on the call, and police officers were asked to respond to provide security for the paramedics.

When the first officers arrived, they found AP in CW1's ground floor apartment, and reported back to Dispatch that paramedics would "need restraints" to transport him safely. About twelve minutes later, Dispatch was told by the officers that EHS was on scene, but that AP was "being a little bit difficult. We are just trying to work through it ... he does have his hand in a bag, we are just trying to get him to take it out". Civilian witnesses who saw and/or overheard this part of the incident told the IIO that it appeared police were concerned about AP's welfare and were trying to de-escalate the situation.

AP, though, was not de-escalating. He had his hand inside a reusable shopping bag, in which he was holding a loaded Glock 10mm pistol. Ignoring requests for him to take his hand out of the bag, he raised it in the direction of the officers and fired two shots through the bag. The paramedics had already moved out of the suite into the lobby, and the officers now rapidly followed them. AP then came from the apartment to the front door of the building and fired eight more shots into and across the street. Fortunately, no one (including civilians who were present nearby) was struck by AP's bullets.

IIO investigators gathered a comprehensive body of evidence about the manner in which the incident progressed. It is not in the public interest to release details about police resources and tactics deployed in response to an incident of this sort, so only a limited account will be provided. It is worth noting, however, that in this case the evidence on which that account is based, from both civilian and police sources as well as physical evidence from the scene, is clear and consistent, and the IIO judges it to be reliable.

When AP went back into the building, police were prompted by a concern for the safety of other residents to re-enter the front lobby. The priorities were to restrict AP to the suite and to evacuate civilians, and a supervisor radioed, "at this point the public's safety is above our own. So you are going to have to get up there and get them out". Two other officers then stepped directly in front of the apartment door to act as human shields while a third ran behind them into the hall and up the stairs. AP came repeatedly to the door, firearm in one hand and a bladed weapon in the other, and officers fired several rounds at him when he did so. It appears that one of these rounds may have struck AP.

About two hours after the initial 911 call, AP opened the sliding doors to the fenced front patio and appeared in the doorway with the pistol in his hand. As he pointed the gun in the direction of police and fired again, two police officers discharged their firearms at him and he fell back into the apartment. Once they were sure that AP no longer posed a threat, officers then moved in to provide first aid, but AP was subsequently declared deceased.

Forensic scene and firearm examinations determined that AP fired at least fifteen rounds in the course of the incident. Several firearms, both legal and illegal, were found in the suite, which was occupied by AP's friend CW1. The handgun used by AP had been brought into the country illegally from the United States and was not registered in Canada.

The Post-mortem Examination Report indicated cause of death as “multiple gunshot wounds”. The toxicology report noted the presence in AP’s blood of cocaine, THC and caffeine.

LEGAL ISSUES AND CONCLUSION

The Independent Investigations Office of British Columbia has been given the task of investigating any incident that occurs in the province in which an Affected Person has died or suffered serious physical harm and there appears to be a connection to the actions (or sometimes inaction) of police. The aim is to provide assurance to the public that when the investigation is complete, they can trust the IIO’s conclusions, because the investigation was conducted by an independent, unbiased, civilian-led agency.

In the majority of cases, those conclusions are presented in a public report such as this one, which completes the IIO’s mandate by explaining to the public what happened in the incident and how the Affected Person came to suffer harm. Such reports are generally intended to enhance public confidence in the police and in the justice system as a whole through a transparent and impartial evaluation of the incident and the police role in it.

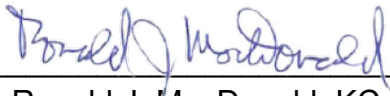
In a smaller number of cases, the evidence gathered may give the Chief Civilian Director (‘CCD’) reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration of charges.

In a case such as this one, involving the use of lethal force by officers, one of the threads of the IIO investigation will be the gathering of evidence about potential justifications for that use of force. The CCD will then apply legal tests such as necessity, proportionality and reasonableness to reach conclusions as to whether officers’ actions were lawful. The specific focus will be on the degree of threat posed by the Affected Person and whether, in the words of the *Criminal Code*, it gave reasonable grounds for the officers to believe lethal force was “necessary for the self-preservation of [the officers] or the preservation of any one under [the officers’] protection from death or grievous bodily harm”.

This Affected Person clearly posed a very significant threat, both to the officers and to any uninvolved civilian unlucky enough to come within range of his firearm. The evidence establishes that, for reasons known only to himself, he was determined to continue resisting and shooting at police, who were justified in using lethal force against him in response. While it was appropriate and reasonable for the initial responders to attempt de-escalation by talking with AP and trying to have him cooperate with the paramedics who were trying to help him, he gave police little choice ultimately in how to respond to him.

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.

Further, I note that in the course of the incident, several officers were obliged to place themselves in exposed and dangerous situations to limit the threat to the public from AP. Some officers placed themselves in vulnerable positions within close range and shielded only by the thin wooden slats of the patio fence. In particular, also, the officers who took up stations in close proximity to the interior apartment door, with very little or no cover, did so primarily to protect and evacuate uninvolved occupants of the building. All these officers should be commended for these actions.



Ronald J. MacDonald, KC
Chief Civilian Director

May 1, 2023

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