



**IN THE MATTER OF THE INJURY OF A MALE
WHILE FLEEING FROM A MEMBER OF THE RCMP
IN PRINCE GEORGE, BRITISH COLUMBIA
ON MAY 14, 2022**

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

Chief Civilian Director:

Ronald J. MacDonald, K.C.

IIO File Number:

2022-107

Date of Release:

October 6, 2022

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INTRODUCTION

On the evening of May 14, 2022, the Subject Officer ('SO') responded to a complaint from staff at the CN Centre fairground that the Affected Person ('AP') had been in a fight and may be in possession of a weapon. SO approached AP and attempted to detain him, but AP fled on foot. He ran out into traffic on a four-lane (plus turning lane) street, and was struck by a passing vehicle. He sustained fractures to his hip and knee. 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, ten other civilian witnesses, one first responder and two 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;
- scene photographs; 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 did not provide any account to the IIO.

NARRATIVE

AP told IIO investigators that, on May 14, 2022, while he was at the fair, he got into an argument with two other males. He said that the confrontation was not physical, that he was not in possession of any weapon, and that he left the fairground of his own volition. As he did so, he said, a police officer (SO) pushed him up against a fence and detained him for no reason. He said he was held there for "between ten and twenty minutes", and decided to run away when he realized he was about to be handcuffed.

AP said that as he ran, he looked back and saw SO "five feet" behind him, shouting for him to stop. He recalled running through a parking lot between parked trailers, but said he did not remember running out onto the road or being struck by a vehicle.

AP's cousin Civilian Witness 1 ('CW1') told investigators that she was with AP at the fair that day. She recalled AP getting into a verbal argument with other attendees, and being escorted out of the fair by staff.

CW2, who was working at the fair in a quasi-security role, recalled being summoned to deal with a brewing fight between a group of males at one of the rides. He said he saw AP walking towards another male with his hands in his hoodie pocket, saying he was “going to smash this guy’s face in”. CW2 said he directed AP to leave the park, and saw him stop outside, against a fence.

CW2 said he saw a police officer dealing with another matter, and told the officer (SO) that AP had been “trying to cause a fight—he stood me down too, and he might have a weapon. He appears to be holding something”. CW2 described SO approaching AP, attempting to talk to him, and said AP immediately turned to walk away. He said SO tried to grab AP by the wrist, but AP ran away rapidly, dropping a “softball-sized rock” from his pocket as he did so.

CW3, who had also gone to the fair with AP but had been arrested and was now in the back of a police vehicle near the main gate, also witnessed the interaction between SO and AP. She said that SO tried to talk with AP, who seemed “confused”. AP tried to walk away, she said, but SO pushed him back against the fence. She said that when SO said something to AP about his being “involved in assault or something”, AP ran away.

CW2 told investigators that he watched as SO chased AP for “100 or 150 yards” through an area filled with parked trucks until he lost sight of them. Recordings of SO’s radio transmissions confirm that he updated Dispatch on the pursuit as he chased AP. About 30 seconds after reporting that AP was “taking off” on him, SO radioed that AP was running across the road and “just got hit by a car”.

Several civilian eyewitnesses interviewed by the RCMP and by IIO investigators provided accounts of the incident. AP ran out in front of a southbound vehicle in the curb lane, which braked and avoided hitting him. As he ran into the median lane, though, he was struck by a second vehicle and was thrown onto the grassy median strip. Witnesses did not see SO in immediate pursuit, and estimates of the time before an officer arrived varied from 15 seconds to a minute and a half or two minutes.

Medical records note that AP reported having consumed vodka, coolers and marijuana before the incident. His blood alcohol concentration was recorded at about one and one half times the legal limit for driving in Canada.

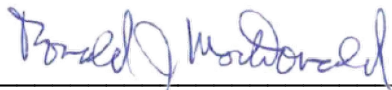
LEGAL ISSUES AND CONCLUSION

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.

SO was acting in lawful execution of his duty when he approached AP to investigate CW2's report that AP had engaged in assaultive or threatening behaviour and that he may have been in possession of a weapon. He was entitled to detain AP, at least for the purposes of investigating that complaint further. As it turned out, AP was indeed in possession of a weapon, a large rock. When he obstructed the officer's attempted investigation, discarding the rock as he ran, SO was justified in pursuing him to take him into custody.

On the evidence, while SO was close behind AP initially, AP had pulled ahead of him significantly by the time AP made the decision to run across a multi-lane street through traffic, and that decision was not forced upon him by SO. While SO's actions may have indirectly caused AP to choose to take the risk he did, and to suffer the consequences of that choice, SO did not at any time act unreasonably or without lawful justification.

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

October 6, 2022

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