



**IN THE MATTER OF THE DEATH OF A MALE
IN AN INCIDENT INVOLVING MEMBERS OF THE RCMP
IN CAMPBELL RIVER, BRITISH COLUMBIA
ON JUNE 13, 2022**

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

Chief Civilian Director:	Ronald J. MacDonald, KC
IIO File Number:	2022-136
<u>Date of Release:</u>	<u>December 11, 2023</u>

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INTRODUCTION

In the early morning hours of June 13, Campbell River RCMP received calls reporting that the Affected Person in this case ('AP') had committed a homicide on a boat at a local marina. Police were also told that AP was armed and was holding a hostage. General Duty officers went to the marina and found a deceased victim with apparent gunshot wounds. They observed that there were lights on a boat believed to belong to AP, and the sound of voices. Emergency Response Team ('ERT') members and a Crisis Negotiation Team were dispatched.

A suspected hostage then exited AP's boat without police intervention and police negotiators engaged by phone with AP. He was observed to be in possession of a firearm, but agreed to surrender. After seeing the ERT members on the dock, though, AP went back inside his boat, and the discharge of a firearm was seen and heard. In response, ERT members discharged firearms towards AP, who was obscured behind a large black tarpaulin covering the stern well of the boat. AP was subsequently found deceased on the boat, with two firearms close to him.

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 four civilian witnesses, nine witness police officers and an RCMP contracted psychologist;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of 911 and police non-emergency line calls;
- audio recordings of police radio transmissions;
- records of digital communications between involved officers;
- Watchguard dash camera video recordings from police vehicles;
- Harbour Authority Closed-Circuit Television ('CCTV') video recordings;
- Emergency Response Team scribe notes;
- officers' notes;
- examinations and analysis of police equipment and firearms;

- scene photographs;
- analysis of AP's cell phone;
- BC Emergency Health Services records; and
- autopsy report.

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

NARRATIVE

At 1:41 a.m. on June 13, 2020, Civilian Witness 1 ('CW1') called the police non-emergency line to report that the Affected Person ('AP') had telephoned him saying that AP had shot two people (it had actually been one person). CW1 told police that AP lived on a boat at the Harbour Authority marina and that he seemed to be intoxicated. CW1 also said that it sounded as if there were other people with AP.

At 1:54 a.m., there was a 911 call from CW2, who said that he had been present when AP had shot someone, and that another man (CW3) was still with AP, who had "a big ass gun". At 2:10 and then again at 2:40 a.m., CW4 called 911, essentially repeating CW2's information.

CW3 told the IIO that he witnessed the homicide, and was then held at gunpoint with CW2 for four hours after being taken by AP to AP's boat. He said that AP stated he was going to kill three more people. AP, though, let CW2 leave, and signed a piece of paper gifting his boat to CW3. CW3 then left the boat, and found "a SWAT guy" on the dock. Police escorted him away, and he went to sit at a nearby beach.

At about 2:00 a.m., General Duty RCMP members began to arrive at the marina. Officers spoke with CW2, who told them that there was a dead body on a boat and that AP was holding CW3 hostage on a different boat. Two officers went to the boat where the incident had begun. There, they observed a deceased victim with apparent gunshot wounds. The decision was made to call in Emergency Response Team ('ERT') members.

The General Duty members then encountered CW3 walking on the dock, apparently in shock. He told them he had been held by AP "for hours", and that AP was now alone on the boat. He confirmed that AP had a firearm with him. The officers took up containment positions to wait for the ERT.

As ERT members arrived, they relieved those officers, and placed themselves behind a piling approximately fifteen metres behind the stern of AP's boat. They could not see into the boat because the back was covered by a large black tarp. Some officers went to better vantage points, from which they were able to update the rest of the team by radio about AP's movements. By the time all ERT members were in position, daylight was beginning to break.

This image shows the viewpoint of the ERT members on the dock, and the black tarp covering the stern well of AP's boat:



Shortly before 5:00 a.m., police were made aware that AP had texted to a friend that he had a loaded gun, that he was “not going to come off that boat alive”, and that he had “every intention of making the police do the deed”.

The Crisis Negotiation Team ('CNT') that was now at the scene consulted by phone with a psychologist contracted by the RCMP, who provided insights into likely actions by AP and suggested appropriate police tactics and approaches. Officers were made aware that there was a potential for AP to attempt "suicide by cop" (initiating aggressive actions with the intention of provoking police to use lethal force).

At 5:28 a.m., a member of the CNT spoke with AP by phone, explaining that police were present because there had been a complaint of a shooting and asking him to come out. AP told the officer that he would come out in two minutes after he got dressed. Despite being asked to stay on the line, AP then disconnected the call. At that point on the audio recording of the call, the CNT officer can be heard describing AP as "not confrontational at all", and an officer who overheard the conversation later wrote in his report that it was "very collegial".

An officer situated with a partial view into AP's boat observed him moving around in an "agitated" way, and saw him holding a gun, which at one point AP pointed at his own head.

AP then appeared from behind the black tarp and looked along the dock at the ERT members, whose firearms were pointed in his direction. An officer told AP that he was under arrest and to give himself up. AP made a gesture in the officers' direction and moved back into the cockpit area of the boat, behind the tarp.

At 5:34 a.m., the CNT member phoned AP again. In that call, AP now sounded angry. He said he had three guns and would shoot police. An officer who could see AP reported that AP had the phone in one hand and a rifle in the other. AP then put the phone down and was seen to be coming to the dock side of the boat, under the tarp, holding a long gun in a 'low ready' position. ERT members on the dock then saw the barrel of the gun appear from behind the tarp and turn to point towards them before being withdrawn. There were shouts of "Drop the gun", and officers then saw a muzzle flash and heard a gunshot. ERT members then fired a volley of carbine rounds in AP's direction.

AP was found deceased under the black tarp in the cockpit of his boat. On the dock next to his boat was found a single-shot 12-gauge shotgun with an expended cartridge in the breech. Just inside the wheelhouse of the boat was a loaded semi-automatic .22-calibre rifle. Examination of the stern area of the boat disclosed 19 projectile holes in the black tarp and at least 23 projectile holes from bullets and bullet fragments in the starboard panels of the wheelhouse. Forensic examination of the scene and the Subject Officers' firearms indicates that the three Subject Officers fired 31 rounds in total.

The autopsy report attributes AP's death to "a single, fatal, intraoral shotgun wound". It also notes nine postmortem gunshot wound tracks through AP's body. The evidence is

entirely consistent with the fatal wound to AP's head having been self-inflicted. The toxicology report indicates a "heavy level of intoxication with ethanol" and no other significant finding.

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.

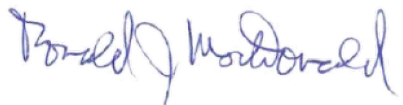
In a smaller number of cases, the evidence gathered may give the Chief Civilian Director ('CCD') reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration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

As noted above, AP died from a shotgun blast into his head through the mouth, which was clearly self-inflicted. The postmortem wounds in his body were the result of shots fired by ERT members on the dock in response to AP's single shot, which were justifiable in the circumstances. Officers had already confirmed that AP had shot and killed someone on a nearby vessel, was still armed, and had talked of killing others. Despite having apparently agreed to surrender, he failed to do so, and then showed the muzzle of a firearm from behind a tarp that made it difficult or impossible for police to discern his movements or intentions. Finally, when he fired the single shot from his shotgun, it was

reasonable for the ERT members, who were only several metres away, to fear death or grievous bodily harm and to respond with deadly force.

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, KC
Chief Civilian Director

December 11, 2023

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