



**IN THE MATTER OF THE DEATH OF A MALE
AND OF THE ASSOCIATED ACTIONS OF A MEMBER OF THE RCMP
ON HIGHWAY 1 NORTH OF SPUZZUM , BRITISH COLUMBIA
ON JULY 14, 2022**

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

Chief Civilian Director:	Ronald J. MacDonald, KC
IIO File Number:	2022-173
<u>Date of Release:</u>	July 10, 2023

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INTRODUCTION

On the morning of July 14, 2022, the Subject Officer ('SO') was dispatched to a call about the Affected Person ('AP'), who was said to have "taken pills" and to be suicidal. AP was believed to be driving north on Highway 1 in the Fraser Canyon. SO saw a vehicle consistent with the description provided of AP's vehicle and turned, intending to pull it over. AP sped away, and very shortly afterwards crashed into concrete barriers at the side of the highway, close to the Hell's Gate tramway. AP was killed in the collision. Because there had been police involvement in the fatal incident, 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 provided to the IIO by six civilian witnesses and review of police-taken statements of two others;
- written duty report of the Subject Officer;
- 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;
- collision report;
- RCMP policies; and
- postmortem 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, SO provided access to his duty report, but did not submit to IIO interview.

NARRATIVE

At 9:15 a.m. on July 14, 2022, Civilian Witness 1 ('CW1') called 911 to report that her fiancé, AP, had called her to say he had taken pills and was going to jump or drive off a bridge over the Fraser River. CW1 said she had located AP's cell phone to the Spuzzum area, but he was now out of cell coverage. She gave a description of AP's car, which was a fairly distinctive Nissan. Police were able to obtain a 'pinged' cell phone location for AP, but with a radius of several kilometres.

The Subject Officer ('SO') was provided with this information and was dispatched to investigate. A few seconds before 10:00 a.m., he radioed that a vehicle appearing to match the description of AP's Nissan had passed him, travelling in the opposite direction. SO stated that he was turning back to check the vehicle.

Civilian witnesses CW1 and CW2, who had been travelling ahead of SO, recalled seeing the Nissan pass in the opposite direction at high speed. They said that SO activated his lights and siren and made a U-turn at a place where it was safe to do so, accelerating after the Nissan, which was already out of sight.

Within the following sixty seconds, SO radioed that he had the Nissan in front of him, asked if there was a supervisor available, and then reported that the Nissan had crashed. In his written report, he stated that as he approached from the rear, his emergency lights and siren activated, AP sped away. SO said he did not give chase, but switched off the emergency equipment and slowed down. He was not immediately able to pull over and stop (the highway at that point has very narrow shoulders). GPS data from the officer's Mobile Work Station confirms that SO reduced speed after a brief attempt to conduct a traffic stop. SO did not see the collision, which occurred ahead around a curve in the road, but very quickly came upon a debris field and a break in the concrete barrier, on the canyon side of the highway.

Another civilian witness, CW3, described being passed by both the Nissan and SO's police vehicle. He said he heard the Nissan gear down and take off at high speed. Within a couple of seconds, the police vehicle's emergency equipment was turned off and it then slowed down. Shortly after this, CW3 saw smoke ahead and saw SO pulling over at the crash site. CW4, who was riding as a passenger with CW3, told the IIO that she had the impression that SO decided to discontinue his attempt to stop AP as soon as the Nissan accelerated away.

The accounts of civilian witnesses at the scene of the crash suggested that the Nissan was accelerating significantly before impact, with no sign of any attempt by AP to slow down. In addition, forensic examination of the scene did not show any evidence of braking prior to the crash.

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.

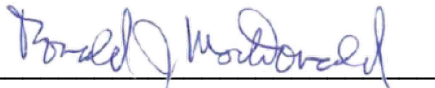
In a case such as this one, involving potentially unlawful driving behaviour by an officer, one of the threads of the IIO investigation will be the gathering of evidence about potential justifications for that behaviour. The CCD will then apply legal tests to the evidence to determine whether there are reasonable grounds to consider that the officer may have committed an offence, under either criminal law or a provincial statute.

The first issue is legal justification for SO's attempt to stop AP's vehicle. He was proceeding on the basis of information that AP was believed to have taken pills and to be intending suicide. The description of his vehicle was quite detailed, and matched the car that SO saw passing. Taken together, these factors justified SO in using his powers under the *Motor Vehicle Act* to attempt a traffic stop to investigate the condition of the driver. In making that attempt, there was a degree of discretionary authority to exceed the speed limit if necessary, and to use emergency equipment as appropriate in doing so. The evidence does not disclose anything improper in SO's actions in this regard.

When AP failed to stop, and in fact accelerated away, SO again responded quite properly in desisting. It is clear from the evidence that he followed standard police policy by choosing not to pursue. An officer will usually pull over after turning off his emergency lights and siren, and come to a complete stop at the side of the road. There was nothing improper in SO continuing to drive at a reduced speed in this case, though, as an examination of the highway where this incident occurred demonstrates that it would have been unsafe for him to stop, because that would have partially blocked the travelled portion of the pavement.

In short, SO's actions were entirely appropriate. He did what he reasonably could to intervene in AP's plans, but AP was clearly intent on ending his life, and SO neither caused nor contributed to his death.

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.

A handwritten signature in blue ink, reading "Ronald J. MacDonald", written over a horizontal line.

Ronald J. MacDonald, KC
Chief Civilian Director

July 10, 2023

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