



**IN THE MATTER OF THE DEATH OF A MALE
IN AN INCIDENT INVOLVING MEMBERS OF THE
RCMP IN
LANGLEY, BRITISH COLUMBIA
ON JULY 25, 2022**

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

Chief Civilian Director:

Ronald J. MacDonald, KC

IIO File Number:

2022-194

Date of Release:

May 18, 2023

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INTRODUCTION

On the early morning of July 25, 2022, the Subject Officer ('SO') was responding to a 9-1-1 call related to a man being shot in Langley. This call followed earlier reports of four separate shootings in the area where two people had died, and one was critically injured. The Subject Officer ('SO') responded to the call and encountered the Affected Person ('AP') in possession of a gun and in a struggle with another individual, who was also shot. SO followed AP, resulting in an interaction where SO shot AP and he subsequently died.

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 seven civilian witnesses;
- statements of eight witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- police messages;
- audio recordings of 9-1-1 calls and police radio transmissions;
- CCTV video 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, the Subject Officer provided a detailed written statement, which assisted the IIO greatly in understanding what happened during the incident.

NARRATIVE

On July 25, 2022, at approximately 5:45 a.m., three Civilian Witnesses separately called 9-1-1 regarding a shooting near the intersection of 200th Street and the Langley Bypass.

Langley RCMP had earlier responded to four previous shooting incidents within the preceding seven hours. Civilians had been shot in different locations throughout Langley. Two people had died, and one had suffered from serious injuries as a result of the shootings. In response, at 5:25 a.m., there was a Lower Mainland Emergency Response Team ('ERT') callout for a "*potential active killer on the loose in Langley*".

Information obtained from surveillance footage suggested that it was the same male who was shooting people. The male (referred to in this report as the Affected Person or 'AP') was holding a black gun in the photos. There was also information that AP was changing clothes between each incident, presumably to avoid detection. The photos of AP were disseminated to all area officers, including ERT members. The Subject Officer ('SO') was the Critical Incident Commander of ERT that day.

CCTV video captured part of what took place in those early morning hours in the intersection of 200th Street and the Langley Bypass, including the moments when AP shot Civilian Witness 1 ('CW1').

Civilian Witness 1 ('CW1') was riding his bicycle southbound on the sidewalk of 200th Street, north of the Langley Bypass when he encountered AP. CW1 said that AP, who was not known to him at the time, emerged from the bushes and stopped him as he was riding his bike. He asked CW1 for drugs or if he knew where to get drugs. According to CW1, AP then produced a black Glock gun and pointed it at CW1's head.

CW1 said that he either hit or slapped AP in an effort to disarm AP. A struggle ensued, and at some point CW1 was shot. Other witnesses described hearing four to five shots.

This is consistent with the CCTV video. According to the video, the interaction between AP and CW1 commenced at 5:43 a.m. Within thirty-three seconds of his encounter with CW1, AP could be seen raising his arm in a motion consistent with shooting. CW1 ran into the roadway and appeared to stumble and struggle as he moved towards the median in between lanes of traffic. AP ran after him and the two continued to fight near the median. CW1 told IIO investigators he believed that he was fighting for his life.

At 5:44 a.m., Civilian Witness 2 ('CW2') called 9-1-1 to report that "*one guy just shot another guy*". CW2 said that he heard four shots, and that the two individuals were still on the ground having a fist fight.

As a result of this 9-1-1 call, a 'Tone Alert' went out over the radio and the shooting incident location was broadcasted to all Langley RCMP officers including responding ERT members. [The 'Tone Alert' is an indication to police officers that a serious incident is underway.]

At 5:46 a.m., SO advised dispatch that he is “10-23” (on scene or in the area) and asked for clarification regarding AP’s location.

Shortly after, SO arrived at the intersection where AP and CW1 were fighting. The CCTV video showed AP and CW1 near the median struggling when SO arrived in his vehicle. CW1 described the moments leading up to SO’s arrival, saying that he was fighting AP for a gun, and the gun was jammed with a bullet in the chamber. CW1 could hear police sirens in the background.

CW1 was shot in the leg during his struggle with AP.

SO provided a written statement to the IIO. He said that when he approached, he saw AP armed with a gun standing over CW1, who appeared to be injured laying on the ground. SO believed that AP was attempting to shoot CW1.

A few seconds later, AP ran away with the gun in his hand.

SO was in his police vehicle and followed AP’s direction of travel as he ran away from CW1 and towards a parking lot. SO drove through bushes and towards the parking lot of a shopping centre where AP was running. SO described his threat and risk level to be “*extremely high*” and described it as the highest he “*had faced in over two decades of frontline and emergency police service*”. He recognized AP from the suspect photos of the active shooter that had been distributed to officers earlier.

Witness Officer 1 (‘WO1’) was driving immediately behind SO. WO1 observed AP with a black gun in his right hand as he ran away towards the parking lot. WO1 followed SO towards the parking lot area.

WO1 said he saw AP turn towards SO’s vehicle and raise his gun in SO’s direction. WO1 next saw AP fall to the ground.

SO’s description of this moment is consistent with WO1. He said AP “*turned his head and looked towards me, raising his pistol and pointing it directly at me in my vehicle, while still moving in the same direction*”.

Fearing for his life, SO shot through the windshield of his police vehicle, getting glass fragments in his eyes. He saw AP try to manipulate the gun, and then point it a second time towards him in a shooting stance. SO shot at AP several more times.

At 5:47 a.m., SO advised over the radio, “ ... *shots fired, suspect is down*”. SO can be heard over the radio, telling AP: “*Don’t reach for that gun. Crawl away from the firearm. We are going to give you help okay. We have an ambulance coming but I need you to get away from that gun for me. We are going to give you all the help you can get.*”

Medical assistance was provided to AP once it was safe to do so, however AP was pronounced dead at the scene a short time later.

Forensic scene examinations determined that SO had shot in the direction of AP eleven times. AP's firearm was located on the ground near to him, and a live round of ammunition that matched AP's firearm was located a short distance away.

The Post-mortem Examination Report indicated cause of death as "multiple gunshot wounds", and that AP was shot three times. The toxicology report also indicated the presence of benzodiazepine, codeine, and tramadol in his blood stream.

AP suffered from depression and drug addiction, however a motive for AP's actions has not been determined.

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 an officer, one of the avenues of the IIO investigation will be 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 officer actions were lawful or not. 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 officer] or the preservation of any one under [the officer’s] protection from death or grievous bodily harm*”.

The Affected Person (‘AP’) clearly posed a very significant threat, both to the Subject Officer (‘SO’) and to any innocent person unfortunate enough to come within range of him that day.

The CCTV video showed that AP was involved in a struggle, where he accosted a random person on the street (‘CW1’) and then shot him. This took place in the moments before he interacted with SO, and after he had already shot three other people, seemingly at random.

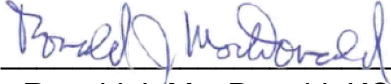
SO described that when he encountered AP, AP raised his gun and pointed it at him. SO’s statement was consistent with the observations of WO1, who was directly behind him. It was also consistent with the dangerous actions of AP in the hours before. It was reasonable for SO to conclude that he was going to be shot at that moment. It does not appear that AP was able to successfully take a shot at SO, likely due to the jammed round in his gun and CW1 successfully removing the magazine from the gun in his struggle with AP. As noted, there was a live round found loose at the scene consistent with the other ammunition used in AP’s gun. SO relates in his statement that he saw AP manipulate the gun and then raised it again in SO’s direction. Given there was no ammunition jammed in AP’s gun after the incident but a different magazine located in the gun, it would appear AP had successfully loaded a new magazine, unjammed the gun but had not yet successfully chambered a new round prior to raising the weapon this second time at the SO. The magazine located in the gun did contain several rounds of ammunition.

Based on the extent of the threat that AP posed to members of the public by the series of shootings in the hours before, that SO observed AP in an altercation with a member of the public where he tried to shoot that person, and that AP had raised his gun and pointed it at the SO, the SO clearly faced a threat of grievous bodily harm or death. Accordingly, the actions of the SO were justified and necessary. AP needed to be stopped to protect SO’s life, and also to prevent more innocent people from being harmed.

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, the officer placed himself in great danger to limit the threat to the public from AP. The officer should be commended for his actions

that day as he put himself in the line of fire to protect the public. His actions that day may have saved many lives, including his own.



Ronald J. MacDonald, KC
Chief Civilian Director

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