



**IN THE MATTER OF THE DEATHS OF TWO MALES
FOLLOWING AN ATTEMPTED TRAFFIC STOP BY MEMBERS OF THE
METRO VANCOUVER TRANSIT POLICE IN
NEW WESTMINSTER, BRITISH COLUMBIA
ON JULY 26, 2022**

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

Interim Chief Civilian Director:

Sandra J. Hentzen

IIO File Number:

2022-196

Date of Release:

June 28, 2024

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The release of this public report was delayed pending the conclusion of concurrent criminal court proceedings. The decision in this matter was initially reported on [February 29, 2024](#).

INTRODUCTION

On the evening of July 26, 2022, in New Westminster, the Subject Officer ('SO') attempted a traffic stop of a speeding vehicle. The suspect vehicle failed to stop and sped away. Very shortly after this, the suspect vehicle collided head-on with another civilian vehicle at an intersection. The two occupants of that second vehicle suffered fatal injuries. 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 three civilian witness and one witness police officer;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- data download, including GPS and speed data, from the involved police vehicle; and
- police collision analysis report.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, SO has not provided any account to the IIO.

NARRATIVE

Interviewed after the incident by police, Civilian Witnesses 1 and 2 ('CW1' and 'CW2'), the occupants of the vehicle police attempted to stop, did not provide any useful information.

IIO investigators interviewed the officer (referred to in this report as the Witness Officer, or 'WO') who was riding as the front-seat passenger in the police vehicle driven by SO at the time of the incident. WO said the police vehicle was an unmarked black Toyota Highlander. At around 11:00 p.m. that evening, the officers were northbound over the Pattullo Bridge from Surrey to New Westminster when SO asked WO to make a computer enquiry about the licence plate of a vehicle that had just passed them.

The plate was determined to belong to a vehicle owned by CW2, but two males were also named as associated to the vehicle, which was noted as having previously fled from police. The suspect vehicle proceeded north on McBride Blvd., and SO followed close behind.

WO told the IIO that both vehicles had sped up at this point; GPS data from the police vehicle indicates that its maximum speed along McBride was 98.5 km/h (the speed limit in the area is 50 km/h).

The traffic light at 8th Avenue was red, and SO stopped behind the suspect vehicle at the light. When the light turned green, WO said, SO activated the emergency lights (which are not as noticeable in an unmarked SUV as in a marked police vehicle). WO said there was no immediate sign that the suspect vehicle had noticed police following, and no response to the activation of the police emergency lights. From 8th Avenue to 10th, GPS data shows a maximum speed for the police vehicle as 81.3 km/h. Both vehicles turned left (westbound) onto 10th Avenue.

WO said that the suspect vehicle then started to pick up speed, and SO blipped the siren “a few times”. For five to ten seconds, there was no response. Then the suspect vehicle began to accelerate away more significantly, and SO turned the siren on fully. WO said that after a further one or two seconds, SO turned off the siren and lights and slowed to a stop, around 4th Street. GPS data shows the police vehicle speeding up from the turn onto 10th Avenue to a maximum speed of 124.3 km/h. It is then seen to slow fairly abruptly, stopping approximately 155 metres from the intersection of 10th Avenue and 6th Street.

At that intersection, where the traffic light for 10th Avenue traffic was green, the suspect vehicle collided with another civilian vehicle turning left onto 6th Street. Collision reconstruction indicates that the suspect vehicle’s speed at the moment of impact was at least twice the speed limit. Based on signage at the intersection, the second vehicle was making an illegal left turn.

After observing the collision, the police officers drove to the scene, arriving approximately 43 seconds later. CW1 and CW2 were found to have been injured. The occupants of the second vehicle were both deceased.

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 a 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 evidence indicates that SO drove at speeds significantly above the speed limit along both McBride and 10th Avenue. Drivers of emergency vehicles are permitted by regulation to exceed speed limits where there is a reasonable justification and risk to the public is minimal. In this case, there were valid concerns about the suspect vehicle, and traffic was fairly light, so SO's attempts to 'close the distance' and then attempt a traffic stop did not create appreciable risks at that point. They were reasonable and lawful.

Concerns about unjustified dangerous driving by police sometimes arise when an attempted traffic stop becomes a pursuit after a failure to stop by the suspect driver. In this case, there is no evidence contradicting WO's account of SO's actions, corroborated by objective GPS data. Within a very brief time after the suspect vehicle sped away, SO turned off his emergency equipment, braked to a stop and pulled over, which was entirely appropriate.

The tragic accident at the 6th Street intersection was caused by a combination of the driver of the suspect vehicle's reckless flight from a legitimate traffic stop, and the left turn against signage by the driver of the second civilian vehicle. It was not caused by any offence, either criminal or provincial, on SO's part.

Accordingly, as the Interim 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.



Sandra J. Hentzen
Interim Chief Civilian Director

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