



**IN THE MATTER OF THE DEATH OF A MALE
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP IN
KAMLOOPS, BRITISH COLUMBIA
ON AUGUST 14, 2022**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2022-220

Date of Release:

September 26, 2024

THIS PAGE INTENTIONALLY LEFT BLANK

INTRODUCTION

On August 14, 2022, Kamloops RCMP received 911 calls after the Affected Person ('AP') was reported to have taken a woman and children hostage, and to have discharged a firearm. Police also learned that the AP had kidnapped and seriously assaulted another female the same day. Responding officers located the AP's abandoned vehicle containing firearms, ammunition and an expended cartridge. The AP had taken his ex-spouse and their young child to a trailer on a remote construction site, and was known to be armed. After containing the scene for several hours, officers saw the AP exit the trailer with the child in his arms. He was shot with a 'less lethal' impact round and then wounded with a bullet in his leg. When he raised his firearm towards an advancing police officer, the AP was shot in the neck and died at the scene.

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:

- IIO interview with one civilian witness and police interviews of other civilians;
- statements of fifteen witness police officers and one subject officer;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of 911 calls and police radio communications;
- police digital communications records;
- police notes and incident report of the police crisis negotiation team;
- scene examination;
- firearms testing; and
- autopsy report.

NARRATIVE

A civilian witness ('the CW') told the IIO that on August 14, 2022, she had met with her ex-spouse, the AP, to pick up their two children. After violently assaulting her, she said,

he took her and their young child hostage. She said he locked them in her vehicle and, after firing a handgun out through the window, drove them to a remote construction site where he was currently working. She said she tried repeatedly to escape, but was aggressively prevented from doing so by the AP, who broke into an office trailer at the site and took the two hostages inside.

The CW said that the AP spent the night consuming drugs, talking about killing himself and making goodbye videos for his children. She said that a little before dawn, he decided to leave. He left the trailer carrying the child, a pistol in his hand. The CW followed several steps behind him. She said that a bright light then came on and she saw police officers coming from cover, shouting at the AP to get down on the ground. She said she heard two shots and was pulled to the ground by an officer before being taken with her child to a waiting ambulance.

Police in this case were responding to reports of a hostage-taking by an armed suspect, as well as a report that the AP, earlier the same day, had confined and violently assaulted an unassociated female at his home. They were also aware that he was armed with a firearm, which he had already discharged in apparent anger. Accordingly, general duty officers obtained the assistance of Emergency Response Team ('ERT') members to contain the scene with the aim of freeing the hostages and arresting the AP.

In reporting to the public after such an incident, the IIO makes every effort to avoid disclosing police tactics or techniques, so as not to risk compromising future emergency responses. This IIO investigation was thorough and exhaustive, involving interviews with involved officers as well as examination and documentation of all available physical evidence. This report, though, will not set out in detail the activities of police leading up to the encounter between the AP and officers that led to his fatal shooting.

That encounter occurred when the AP decided to leave the trailer carrying a small child while still armed with a pistol. He was carrying the child in his right arm so that the child was against his torso and the child's head was close to his. Witness officers then described a short volley of gunfire, with one shot sounding distinctly different from those that followed.

As the AP approached the CW's vehicle, an officer discharged a 40 mm 'less lethal' impact round, which caused the AP to stop or step back momentarily. Moments later, he was shot twice by another ERT member with a police carbine. This officer, who had been concealed near the trailer through the night, provided a written statement to the IIO, which read in part as follows:

After several hours, I learned that the suspect had exited the trailer carrying the child. Shortly after, I observed the suspect carrying the child and walking toward the vehicle where I was staged, with the female walking a short distance behind. It was my belief that if the suspect reached the vehicle, he would attempt to force all parties to accompany him where he would eventually kill one or both of the captive victims. I had briefed [a fellow officer], who was assigned to operate the less lethal 40mm launcher, and asked that he deploy the less lethal munition at the earliest available opportunity.

I observed that the child was partially obscuring the male's body, preventing opportunities for engagement with lethal force. When the suspect neared, I heard what I believed was the 40mm launcher deploy, and someone yell "Police, you're under arrest". The male did not let go of the child or surrender, and instead started shouting and reaching for his waistband. From this observation, and the earlier information about his possession of a hand gun, I believed that he was attempting to access a firearm and use it to kill hostages or police. Based on the totality of the circumstances, I believed that my only option to prevent this was to use lethal force. I aimed my [firearm] at the suspect's leg on the opposite side from the child, where I had the largest available target area without risking striking the child, and fired one round. The suspect dropped to the ground and my view was temporarily obstructed due to tall grass.

As I ran to the suspect, I heard the female scream in a terrified voice, "He's got my kid". When I reached the suspect, I observed that he had a pistol in his hand and was raising it upward. The child was in his lap, and I feared that the suspect would shoot and kill the child, one of the other officers who were fast approaching, or myself. I quickly aimed at the upper body and shot the suspect again. The suspect then fell backward, with the gun still in his hand but falling to the side. I closed the remaining distance and took control of his gun arm, while another officer controlled his other arm and a third officer removed the child. I maintained control of the firearm and the suspect was searched by other officers for additional weapons and secured.

I observed that the hammer of the pistol was cocked back, and it appeared the safety was off. I asked for another member to observe me as I placed the pistol on safe and handed it to another officer. As a trained tactical police medic, I recognized that the suspect required medical attention now that the threat had been stopped. I handed off my rifle, so that my hands were free to assist in the medical interventions. I then assisted in various medical interventions including the application of

chest seals, administration of tranexamic acid, IO fluid therapy, and other steps. BC Ambulance Service paramedics arrived during the interventions and took over leadership of the treatment.

Specific to my element's interaction with the suspect, a 40mm less lethal Extended Range Impact Weapon was deployed by another member, but it did not appear to change the suspect's behaviour. On the contrary, the suspect appeared to reach for his concealed pistol after being struck with the less lethal munition. It is my belief that further attempts at less lethal intervention would have cost the lives of the hostages or police.

The pistol was found by police to be loaded, with a round in the chamber and the safety off.

At autopsy, the AP was reported as having suffered two gunshot wounds, one to the thigh and one to the neck.

During the course of the investigation, it was determined that another ERT member had discharged his carbine during the incident, but on the evidence as a whole it was concluded that he had not caused either of the injuries to the AP.

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".

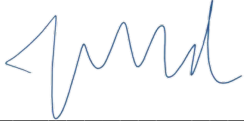
There is no doubt here that it was appropriate for the ERT to be involved in what had become a critical and dangerous situation. Police had clear indications that the AP had committed very violent assaults against one female earlier in the day, and had now assaulted and kidnapped another, together with their young child. There was a grave risk that, in desperation, he would harm his hostages or anyone who might get in his way. Given the leverage that his captives gave him, it was not a situation where it would have been appropriate for police to announce their presence and attempt to negotiate a resolution. The AP had created a situation that was only likely to be resolved by force. In fact, if he had not come out of the trailer when he did, a point would probably have been reached where officers would have to take the extreme risk of attempting to breach the door into the trailer to effect the arrest.

As noted above, the evidence indicates that two of the involved officers deployed lethal force against the AP, but also strongly suggests that only one of them caused the gunshot injuries from which he died. It was a great assistance to the investigation to have the statement of that subject officer, which was credible and consistent with the accounts of the CW and witness officers present at the scene, as well as the physical evidence and forensic scene analysis.

Police in this case applied force in a manner that was motivated by the priority of avoiding harm to either the CW or the child. The AP could not be allowed to drive away with his hostages because of the extreme risk to them, so it was necessary and reasonable to use lethal force against him to prevent that. There is no way of knowing where the shot fired by the second officer was aimed, and likewise, nothing in the evidence leading to a conclusion that it was not similarly justified.

In summary, no officer in this case deployed force that was unnecessary, excessive or unreasonable. All efforts were made to provide medical first aid to the AP immediately after the shooting.

Accordingly, as 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.



Jessica Berglund
Chief Civilian Director

September 26, 2024
Date of Release