



**IN THE MATTER OF THE INJURY OF A MALE
WHILE BEING APPREHENDED BY MEMBERS OF THE
VANCOUVER POLICE DEPARTMENT IN
VANCOUVER, BRITISH COLUMBIA
ON AUGUST 6, 2022**

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

Chief Civilian Director:

Ronald J. MacDonald, KC

IIO File Number:

2022-212

Date of Release:

August 4, 2023

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INTRODUCTION

On the evening of August 6, 2022, firefighters were called to a 'single room occupancy' building on Granville Street in Vancouver. They were attacked by the Affected Person ('AP') wielding a large knife. When Vancouver police officers arrived, they encountered AP in the process of assaulting and injuring one of the building's residents. AP then advanced towards the officers with the knife. One officer deployed a Conducted Energy Weapon ('CEW', or 'Taser') and the Subject Officer ('SO') discharged two rounds from his service firearm. One of the bullets struck AP in the leg. 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 AP, four civilian witnesses, three first responders and four witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of 911 and radio calls;
- data download from a CEW;
- scene examination; and
- medical evidence.

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

At the time of the incident, AP had been living for several years at a rooming house on Granville Street. AP told IIO investigators that at the time of the incident he was experiencing paranoia and hallucinations. On the evening of August 6, 2022, he obtained gasoline and started setting items in his room on fire.

Firefighters attended, but when a security guard opened the door of AP's room to give them access, AP attacked, striking the guard in the head with a large knife or machete. AP then pursued two firefighters along the hall, but retreated when they defended themselves with an axe and a Halligan bar (a large steel pry bar used by firefighters to force entry through doors or windows).

AP then sprayed bear spray in the hallway and started attacking other residents. He struck a female victim several times with the knife, causing several injuries and severing three of her fingers. He then assaulted a male resident, leaving him with lacerations to his arm and chest.

When responding police officers entered the building, they found blood on the stairway leading up from street level to the residential second floor. They climbed the stairs and opened a door into the residential hallway, where they encountered AP struggling with a third victim, who had already suffered injuries to his head. As the injured civilian scrambled to escape, AP got to his feet and advanced towards the officers, brandishing the knife.

One officer deployed his CEW against AP, striking him in the chest, but it appeared to be ineffective. SO then fired two shots from his service pistol, and AP fell to the floor. AP subsequently told IIO investigators that he knew and intended that police would respond to his actions as they did. He said that he had deliberately put himself in that situation and was happy with the thought of dying. Waking in hospital, he said, he was disappointed that it had been CEW darts that had hit him in the chest, and not a bullet.

AP was found to have suffered a penetrating bullet wound through his right upper leg. The toxicology report indicated positive for opiates. AP was involuntarily admitted under the *Mental Health Act*.

Scene examination located a large Bowie-style sheath knife on the floor just inside the doorway where the incident concluded:



Spent 9 mm casings from SO's firearm and remnants from the CEW discharge were found on the landing at the top of the stairs. In the hallway, severed human fingers were found on the floor.

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.

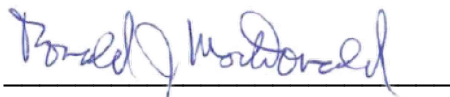
Less often, the evidence gathered may give the Chief Civilian Director ('CCD') reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration of charges.

In a case such as this one, involving the use of lethal force by an officer, one of the 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 the officer's 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 officer 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".

By the time officers encountered AP, they were already aware that he had lit a fire in a residential building and attacked a number of other people with weapons, causing serious injuries. They found him actively assaulting an individual with a lethal weapon, and he then immediately came towards them in a clearly threatening manner as they stood with their backs to a long, steep stairway. It is unfortunate that the CEW was not effective, but when it did not incapacitate AP, it was reasonable for SO to conclude that he had little choice but to use lethal force in defence of himself and his colleagues.

It is also worth noting that the prompt entry into the building by the attending officers interrupted a very serious assault by AP on an innocent resident, quite possibly saving his life. Their quick action is commendable.

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", is written over a horizontal line.

Ronald J. MacDonald, KC
Chief Civilian Director

August 4, 2023

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