



**IN THE MATTER OF THE INJURY OF TWO MEN AND TWO WOMEN
IN AN INCIDENT INVOLVING MEMBERS OF THE
ABBOTSFORD POLICE DEPARTMENT AND THE
COMBINED FORCES SPECIAL ENFORCEMENT UNIT
IN AGASSIZ, BRITISH COLUMBIA
ON SEPTEMBER 17, 2022**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2022-249

Date of Release:

November 14, 2025

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INTRODUCTION

On the afternoon of September 17, 2022, on the Lougheed Highway in Agassiz, the Subject Officer (“SO”) attempted to stop a stolen vehicle using a spike strip. The driver of the stolen vehicle was Affected Person 1 (“AP1”) and Affected Person 2 (“AP2”) was riding as a passenger in the vehicle. When the SO deployed the spike strip, AP1 swerved violently into oncoming traffic, causing a head-on collision with an unassociated vehicle driven by Affected Person 3 (“AP3”) with Affected Person 4 (“AP4”) riding as passenger, travelling in the opposite direction. All four occupants of the two vehicles suffered significant 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 AP3 and AP4, four other civilian witnesses, four first responders and three witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- audio recordings of police radio transmissions;
- mobile phone video recordings
- site photographs and video;
- collision reconstruction report;
- vehicle mechanical inspection reports;
- police training records;
- police policies; and
- medical evidence.

The IIO does not require officers who are subject to an investigation to provide evidence. In this case, the SO has not given any account to the IIO. Neither AP1 nor AP2 has provided any evidence.

NARRATIVE

In the days leading up to September 17, 2022, Affected Person 1 (“AP1”) and Affected Person 2 (“AP2”) were believed by the Abbotsford Police Department to have committed a string of criminal offences including break-ins and thefts. They were alleged to have failed to stop for police and to have driven a stolen vehicle at police officers.

At 11:18 a.m. on September 17, police received a call saying that the owner of a stolen Mitsubishi Lancer vehicle had spotted the vehicle being driven on Lougheed Highway near Agassiz, and was now following it eastbound along the highway. Police were told that the stolen vehicle was driving in tandem with a Toyota Matrix, and that both vehicles were carrying identical plates (a subsequent check of that plate number indicated that the Matrix had been stolen in Abbotsford earlier that day).

At approximately 12:25 p.m., Witness Officer 1 (“WO1”) began discretely following the Toyota Matrix in an unmarked police vehicle. Seeing that the manner of driving of the Matrix was “steady” and “non-aggressive,” WO1 told the IIO, he judged that there was an opportunity to execute a traffic stop. He activated his police vehicle’s emergency lights and siren and moved up behind the Matrix. The driver of the Matrix, AP1, responded by speeding up and moving into the oncoming traffic lane to pass vehicles in his lane. WO1 radioed that the suspect vehicle had failed to stop and was fleeing. He turned off his emergency equipment and did not pursue.

Some distance ahead, the Subject Officer (“SO”) was waiting in a ditch beside the highway, equipped with a “Stop Stick” tire deflating device (a form of spike strip). As the Matrix approached in a line of traffic, the SO deployed the strip across the lane in front of the Matrix. AP1 swerved abruptly to avoid the spike strip, driving head-on into a vehicle coming towards him in the oncoming lane. The collision resulted in substantial damage to both vehicles, and serious injuries to all four occupants.

The incident was recorded on civilian cell phone video and described to IIO investigators by two civilian eyewitnesses and Witness Officer 2 (“WO2”). That body of evidence demonstrates that at the time of the collision, WO1 was not pursuing the Matrix, but was following at normal speed, several vehicles back, with his emergency lights turned off.

Affected Person 3 (“AP3”), the driver of the vehicle impacted by the Matrix, suffered fractures to his foot, ankle, patella, pelvis, thigh and ribs, as well as a punctured lung leading to pneumonia. Affected Person 4 (“AP4”), the passenger in the vehicle, was transported unconscious from the scene and subsequently found to have a broken back as well as fractured foot bones and left forearm, and damaged kidneys. AP1 and AP2

were both injured, also. Analysis of a blood sample taken from AP1 noted the presence of methamphetamine, amphetamine and diphenhydramine.

Mechanical examination of the Toyota Matrix after the incident found that the righthand front and rear tires were fully deflated, indicating that AP1 had not been able to avoid the spikes completely. That damage would not have been responsible for the vehicle's swerve to the left, as deflation of the right-side tires would have tended to "pull" it to the right, towards the shoulder of the highway rather than into the oncoming lane.

LEGAL ISSUES AND CONCLUSION

The Independent Investigations Office of British Columbia is mandated to investigate 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 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.

The involved officers in this case were attempting to apprehend two individuals who were believed to be in the midst of a crime spree that had included residential break-ins, vehicle thefts and dangerous driving. When the suspects were located and fled from an attempted traffic stop, police were justified in using reasonable and necessary force to bring that flight to an end. Deployment of a spike strip against the vehicle occupied by the suspects was an indirect application of force against the vehicle's occupants, so there is a question as to whether that level of force was reasonable and necessary in the circumstances. It must also be considered whether the SO's actions may have amounted to a marked and substantial departure from the standard of care expected of a reasonable police officer in those circumstances. If they did, he may have committed an offence of criminal negligence causing bodily harm.

The situation faced by the SO required a balancing of risks. There was risk to the public (and to AP1 and AP2) from attempting to stop the suspects by force, but also risk to the public for as long as they were able to continue their criminal activities. The type of device deployed by the SO is designed to cause progressive tire deflation rather than catastrophic failure, so that the target vehicle is disabled and brought to a stop without making the driver lose control and crash. Its effectiveness is limited or nullified, of course, if the driver is able to swerve around it, and an attempt to do that is always foreseeable to some extent. In this case, given that AP1 was alleged to have used a stolen vehicle against officers or police vehicles previously to evade capture, the risk that he might swerve, either into the oncoming lane or onto the shoulder where SO was standing, was somewhat elevated.

Because of that, it could be said that the SO's decision to deploy the "Stop Stick" in front of the Matrix, in the circumstances, was an error of judgement that potentially placed himself and other road users in danger. However, it also has to be borne in mind that at the time, AP1 was driving with the flow of the traffic at a normal speed, and the SO could reasonably expect that his deployment of the spikes would come as a complete surprise to AP1, with no time for him to react. The evidence as a whole, therefore, does not establish that the SO's actions demonstrated such a departure from the expected standard of care as to amount to criminal negligence.

Had it not been for AP1's apparently desperate attempt to evade the spikes, there was no reason to expect that any significant harm would have come to either AP1 or AP2 (or to anyone else). That being so, the force indirectly applied by the SO to them cannot be said to have been excessive or otherwise unreasonable.

With respect to WO1, the evidence is clear that when AP1 failed to stop in response to WO1's police lights and siren, WO1 did not initiate a pursuit or engage in any other driving that could be considered dangerous to the public.

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 the matter will not be referred to Crown counsel for consideration of charges.



Jessica Berglund
Chief Civilian Director

November 14, 2025
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