



**IN THE MATTER OF THE DEATH OF A MALE
IN AN INCIDENT INVOLVING MEMBERS OF THE RCMP
IN HOPE, BRITISH COLUMBIA
ON JUNE 28, 2023**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2023-174

Date of Release:

September 27, 2024

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INTRODUCTION

On June 28, 2023, hospital staff in Hope called police to report that a male patient was threatening his female companion, who was also receiving treatment at the hospital following a car crash on Highway 5 earlier that day. When the Subject Officer ('SO') attempted to read the AP his *Charter* rights, the AP got out of bed and advanced on the SO brandishing a knife. The SO discharged his firearm and the AP was fatally wounded.

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 ten civilian witnesses, four first responders and two witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of police radio transmissions;
- scene examination and exhibit seizures;
- security camera video recordings;
- forensic firearm examination;
- data download from a Conducted Energy Weapon ('CEW' or 'Taser'); and
- autopsy report.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, the IIO was able to access SO's written notes made at the time of the incident.

NARRATIVE

In the late morning of June 28, 2023, there was a two-vehicle collision at a construction site beside Highway 5. The Affected Person ('AP'), who was experiencing mental health issues with suicidal ideation, had deliberately driven his car off the highway onto a service road and crashed it head-on into a parked pickup truck.

A female passenger, with whom the AP had previously been in a relationship had been riding as an unwilling passenger in the AP's car. She and the AP were both injured in the crash, and were transported together to a hospital in Hope.

At the hospital, the AP and the female victim were placed in beds at opposite ends of a hallway, as staff were immediately aware that there was a safety issue involved in the AP's behaviour. The female had disclosed that the AP had threatened to kill himself and her. Three police officers responded to a call from the hospital and upon arrival were briefed on the worrying situation.

Witness Officer 1 ('WO1'), a supervisor, told the IIO that the information he was given provided grounds to arrest the AP, but he was also aware that the AP needed medical attention and that his mental condition also needed to be assessed. At this point, the AP was in bed in one of several Emergency Department treatment areas, and was being attended to by medical staff. WO2 took a seat in a treatment area close to the one occupied by the AP, so as to be able to monitor the AP while also catching up on work on a laptop.

WO1 was then informed in a call from the Subject Officer ('SO') that the AP was refusing all medical treatment. WO1 became concerned that the AP might discharge himself. WO1 instructed the SO to place the AP under arrest and tell him that he was not allowed to leave the hospital.

WO2 told IIO investigators that he heard the SO arrest the AP and begin to inform him of his *Charter* rights. WO2 said he then heard the SO say, "Hey, sit down", and then saw the SO backing away quickly, saying, "Knife, knife, knife". WO2 said he saw the AP following, holding something up by his head, gripped like a knife. As the SO ran backwards along the hallway, WO2 said, he was telling the AP to "drop the knife, drop the knife". These commands were also heard by civilian and hospital staff witnesses interviewed by the IIO.

The SO retreated to a point near the Emergency Department exit, which was also near the treatment area where the female passenger had been placed. The SO's further retreat along the corridor leading into the rest of the hospital was partially blocked by a rolling hospital bed, which he was attempting to push out of the way.

WO2 drew his CEW and fired it at the AP from behind. At the same moment, he said, he heard a loud "bang", and initially thought it was the sound of the CEW firing. Seeing the AP drop to the floor, his arms under him across his chest, WO2 thought the CEW had been effective. Within moments, though, he saw the SO standing with his pistol still aimed at the AP. The SO had fired four rounds from his service pistol, wounding the AP fatally.

The incident was partially captured on security video footage. Both the video evidence and the physical evidence at the scene is consistent with the accounts provided by witnesses to the IIO. The SO's notebook was found to include a note that ended abruptly, part way through his recording of a series of *Charter* warnings. The notebook and the officer's *Charter* card fell to the floor in the area where the SO was standing when the AP got out of the bed holding a knife. The knife shown below was found on the floor, close to where the AP fell after the brief pursuit of the SO along the hallway:



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

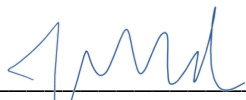
intended to enhance public confidence in the police and in the justice system as a whole through a transparent and impartial evaluation of the incident and the police role in it.

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 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".

When the AP, who had already demonstrated very seriously concerning behaviour apparently involving both homicidal and suicidal impulses, moved suddenly towards the SO with a raised knife, it was reasonable for the SO to believe that he was at imminent risk of death or grievous bodily harm. The evidence establishes that he retreated as far as reasonably practicable, attempting to get the AP to desist. When the SO reached the end of the hallway, the risk of harm increased, as the AP was now close to both the exit and to the treatment area where the female passenger had been placed. The SO would have realized that it was no longer only his safety that was threatened, but also the lives and safety of others. His use of lethal force in those circumstances was reasonable and justified.

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

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