



**IN THE MATTER OF THE DEATH OF A MAN
IN AN INCIDENT INVOLVING MEMBERS OF THE RCMP
AT MCLEOD LAKE, BRITISH COLUMBIA
ON AUGUST 15, 2023**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

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INTRODUCTION

On August 15, 2023, police responded to an incident at a pipeline construction site in northern British Columbia, in which the Affected Person (“AP”), armed with a rifle, was alleged to have threatened workers. The AP was later located at his home and, despite attempts by officers at de-escalation, he subsequently died from a self-inflicted gunshot wound. 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 four civilian witnesses and four witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- audio recordings of police radio transmissions and telephone conversations;
- drone video footage;
- scene photographs and examination; and
- autopsy report.

NARRATIVE

Just after noon on August 15, 2023, Mackenzie RCMP received a complaint that the Affected Person (“AP”) had threatened workers at a construction site near McLeod Lake. It was reported to police that the AP appeared intoxicated, was in possession of a rifle and had been seen loading a round into it. Police were told that the AP had left but had said he would return with “his people.” The AP was known to police to have used weapons and violence in the past

Officers went to the AP’s residence, where his cell phone had been located. Shortly after they arrived, they received information from an officer who had spoken with the AP by telephone at about 1:45 p.m. They were told that the AP had seemed to be under the influence of alcohol and that he had said he would not meet with police. During a phone conversation with police at about 4:45 p.m., the AP told an officer that he was looking at police through his rifle scope and spoke about killing them. At 5:10 p.m., the Emergency Response Team (“ERT”) was activated and took over control of the scene.

At about 6:00 p.m., a civilian who worked at the McLeod Lake Indian Band attempted to assist by speaking with the AP by phone and handed the phone to police who also tried

to reason with the AP, but he refused to come out of the house and surrender. Police pulled a Tactical Armoured Vehicle (“TAV”) into the driveway and took steps to ensure that no one could leave the property by vehicle. No weapon or any other force was deployed against the AP or his residence at this time. The AP was occasionally seen inside, through a window.

The police negotiator made numerous attempts to talk with the AP by phone, all of which were audio-recorded. The negotiator told the AP he was under arrest, but made it clear to him that police wanted a peaceful resolution and asked him to cooperate and come out of the home. The negotiator spoke to the AP about his role in the community, one of importance and respect.

The negotiator said that the AP, whose voice was becoming more slurred and who seemed to be increasingly intoxicated as time passed, responded that the officers should be ready for a fight. The AP made what appear to be irrational statements and demands, but which a civilian witness later advised was typical of the AP’s sense of humour. The AP also spoke about his frustrations around poverty and drugs on the reserve.

At about 10:30 p.m., the negotiator was able to convince the AP to come out through the front door with empty hands. Unfortunately, the AP then appeared to become angry when told by ERT members that he was under arrest and went back inside.

At 10:49 p.m., distraction devices were deployed outside at both the front and rear entrances of the residence. Shortly after this, the AP was observed through a window, and appeared to be drinking from what was subsequently determined to be a can of beer. At about 10:50 p.m., a gunshot was heard from inside the home. The decision was made to breach the front door and for officers to enter. The AP was found deceased, lying on top of a bolt-action .308-calibre hunting rifle.

The AP’s autopsy report indicated the cause of death as a gunshot wound, “consistent with a self-inflicted wound.”

In the spring of 2024, the IIO met with members of the McLeod Lake Indian Band who identified other potential civilian witnesses. These witnesses in turn provided helpful information with respect to the AP’s background and circumstances in the days leading up to the incident.

Civilian Witness (“CW1”), who worked at the McLeod Lake Indian Band, had been a support person for the AP for a number of years. The AP was known to struggle with alcohol use, and she had retrieved his pain medication as well as driven him to a detox centre the week before this incident. Earlier on the day of the incident, the AP had

telephoned her and claimed police were banging at his door. CW1 believed the AP was joking. CW1 then drove past the AP's residence and observed several police vehicles. She attempted to speak with police and offered to serve as a kind of mediator for the interaction but was told she had to leave the area as it was unsafe. After doing so, CW1 spoke with the AP over telephone, repeatedly encouraging him to exit his residence and follow police directions. The AP refused her urging and expressed feeling helpless. The AP grew increasingly upset to the point where he ended the call.

Another witness, Civilian Witness 2 ("CW2"), stated that a day or so before the incident, the AP learned some life altering medical information. CW2 believed it was receiving this news that spurred the AP's actions. At about 2:00 p.m., the AP telephoned CW2 to say, "That's it, today's the last day- I'm going out, I'm going out with a bang." CW2 did not initially believe these comments were serious. Just after 3:00 p.m. and after learning about the AP's actions at the pipeline, CW2 telephoned the AP asking what was happening. The AP admitted to pointing a firearm at pipeline workers and stated he was holding off the police stationed outside his residence. Throughout three short telephone conversations, the AP expressed the intention of blowing up police should they enter his residence. CW2 urged the AP to resolve the situation peacefully and consider future plans. However, the AP did not wish to talk about such things and eventually hung up.

A third witness, Civilian Witness 3 ("CW3"), and his partner were at the AP's residence during the afternoon of the incident. The AP admitted to displaying his firearm to pipeline workers and loading it with shells. As CW3 and his partner were preparing to leave the AP's residence, the AP asked CW3 to take the firearm with him, as it held sentimental value, and the AP did not want it confiscated. Attempting to drive away, CW3 saw police vehicles parked across the road. Reversing back towards the AP's residence, CW3 woke the AP and explained the police presence. He returned the AP's firearm as CW3 did not wish to be found with it. CW3 and his partner eventually departed the rear of the AP's property by boat. The ERT team had not yet arrived at this time.

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 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.

The evidence shows that the AP died by his own hand. The responding officers were acting lawfully in responding to a serious complaint about threats uttered by the AP while armed with a firearm. Recordings of the attempts by police to negotiate with the AP demonstrate the efforts of the negotiator to de-escalate the situation. The AP stated that he did not want to speak to a member of the McLeod Lake Indian Band or his brother.

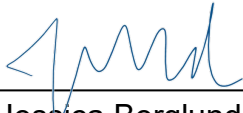
One aspect of determining the reasonableness of police actions in this case includes the overt presence of ERT members, and the armed TAV, on the AP’s property. A significant police presence such as that can have a negative impact on an individual, especially one who is a member of an Indigenous community with previous negative interactions with police. In considering whether this show of force was reasonable, the impact on the AP must be considered. However, when one takes into account that the AP had threatened workers earlier in the day while in possession of a firearm, and had uttered threats toward police, including telling them he had viewed officers in his scope, I find it was reasonable to have ERT members, who are specially trained to respond to situations that have the potential of significant risk, attend despite the acknowledged negative impacts their presence may have caused.

In addition, trained negotiators were available who, through efforts to de-escalate and negotiate with the AP, offered a chance for a peaceful resolution of the matter.

The use of an explosive distraction device outside of the AP’s home must also be evaluated to determine if it was reasonable in the circumstances. The AP took his own life shortly after that device was used. The distraction device could be viewed as an escalation, rather than a de-escalation, which calls into question its appropriateness. The range of actions that could be taken in this case were broad, but de-escalation progression is a standard approach used in cases where a person is barricaded with a weapon. After negotiation, distraction devices are used as a way to encourage people to come out in hopes of reaching a peaceful resolution. When the device was used, negotiations with the AP had been ongoing for many hours, without success. It was reasonable for police to be concerned that given the AP’s stated threats, and his apparently increasing intoxication, measures in addition to negotiation might help

encourage compliance by the AP. The device deployed outside the AP's home did not cause any physical harm to the AP. Overall, it was reasonable for police to attempt a new approach to effect a safe resolution to the incident.

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

March 31, 2025

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