



**IN THE MATTER OF THE DEATH OF A MALE
IN BURNABY, BRITISH COLUMBIA
ON AUGUST 3, 2023
AND AN ASSOCIATED INVESTIGATION
BY MEMBERS OF THE RCMP**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2023-232

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This report details situations that may be distressing to some readers. If you are in crisis, help is available:

- Call 310-6789 to be connected to the crisis centre nearest you (no area code required)
- Crisis Services Canada: crisisservicescanada.ca
- British Columbia: crisislines.bc.ca
- Vancouver and surrounding areas: crisiscentre.bc.ca
- Vancouver Island: vicrisis.ca
- VictimLinkBC: 1-800-563-0808

INTRODUCTION

On August 2, 2023, Burnaby RCMP members went to the home of the Affected Person ('AP') after receiving a call from Civilian Witness 1 ('CW1'), who was concerned for the AP's wellbeing. The officers concluded that, although the AP had been acting oddly, he did not appear to be a danger to himself or anyone else, so could not be apprehended under the *Mental Health Act* ('MHA'). The next day, August 3, 2023, police were again called to the residence to check on the AP. When there was no response, police obtained a key and let themselves into the home, where they found the AP, suffering from what appeared to be self-inflicted injuries. He was subsequently declared deceased 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:

- statements of five civilian witnesses and seven witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records; and
- security camera video recordings from outside the AP's home.

The IIO does not compel officers whose actions are subject to an IIO investigation to provide evidence in the course of the investigation. In this case, the subject officers declined to participate in interviews with IIO investigators. They had, however, produced written reports in PRIME before they became the subjects of investigation. Those routine police business records were accessed by investigators and considered in the

investigation. The officers' narratives assisted the IIO greatly in its vital public interest role – establishing what occurred in the incident and providing the public with as complete an account as possible in this report.

NARRATIVE

August 2

At 9:52 a.m. on August 2, 2023, Subject Officer 1 ('SO1') and other officers were dispatched for a wellbeing check at the home of the Affected Person ('AP'). The officers were told by Dispatch that the AP had been "damaging the unit, banging on the walls all night". Further, they were told, there was "a hazard on this address for a suicidal male" who had threatened to take his own life, threatened police and barricaded himself inside his residence. That annotation on the file had been placed there after an incident involving the AP that had occurred some weeks previously, in which officers had apprehended the AP under the *Mental Health Act*.

In SO1's written report, she describes repeatedly knocking at the AP's front door before getting an answer. When the AP came to the door, he said he had been breaking things and making noise in his home because he was frustrated over financial matters. "[The AP] stated that he did not wish to open the door or attend the hospital", SO1 continued, "because he was not injured and the hospital did not help him when he went the last time". SO1 had met the AP when he had been taken for a psychiatric evaluation on the previous occasion, and wrote that at that time the AP had "wanted help at the hospital". On this occasion, SO1 said, the AP "stated that he needed better health care, however he would go on his own".

SO1 described seeing SO2 (who had also responded to the call) converse with the AP through the closed door, and hearing the AP say that "he did not wish to hurt himself or others". At one point, SO2 was able to observe the AP when he came to a window. In his own duty report, SO2 wrote that he was able at that time to determine that the AP did not appear to be injured in any way. SO2 stated that the AP's demeanour was calm and polite at times, but at other times he became angry, swearing at the officers and insulting them. The legal grounds for apprehension of a person under the *MHA* are that the person appears to be suffering from a mental disorder, and also that the person is acting in a manner that endangers the person or others. In this case, SO2 concluded that the AP did not meet the second part of that test:

Despite the bizarre nature of the interaction, [the AP's] negative history, and apparent mental health issues no authority existed on this date to

trigger an emergency intervention or apprehension under the BC MHA, Criminal Code, etc. [The AP] was suffering from mental health issues, and worked up, but not a danger to himself or others. The presence of police, on account of [CW1's] call, and discussion of various sensitive topics did not help matters. [The AP] expressed that he had plans to leave the residence to purchase a new mobile phone.

SO1 called CW1, who had requested the wellness check, and told her that the AP was “not apprehendable”. In SO1’s report, she notes that CW1 was “upset” that police had not apprehended the AP, as CW1 “believed that he was capable of hurting himself and others because of his behaviour”. WO1, though, contacted another family member, CW2, and asked if the AP had actually made any comments about suicide or self-harm. CW2’s reply was “no”.

Later that day, CW1 again called police, expressing concerns that the AP might harm a dog and cat in the home. As CW1 said that she was going to the AP’s home to retrieve the animals from the AP, officers also attended to “keep the peace”. In his written duty report, SO3 states that the AP came outside the residence with the dog and waited while CW1 went inside, with the AP’s consent, and brought out the cat. SO3 noted that the AP “displayed rapid speech and disorganized / scattered thinking but did respond appropriately and coherently to members”. SO3’s report does not allude to any concern that the AP might be apprehendable through presenting a risk of harm to himself or others. WO1 told the IIO that the AP appeared calm, level-headed and sound of mind.

August 3

At 7:37 a.m. the next morning, August 3, 2023, CW1 again called police. Because she had lived in the home until recently, she still had remote access to the security video system. She told police that she had seen the AP on video, going out naked and rummaging through a garbage bin outside (video recordings obtained by IIO investigators showed the AP outside on more than one occasion, at times naked and at other times dressed only in shorts, tipping garbage out onto the ground).

WO2 and WO3 were dispatched to the home and started banging on the door in attempts to get the AP’s attention. There was no response, but WO2 told the IIO that he did not believe police had sufficient grounds to force entry. Police were told by neighbours that there had been no concerning sounds from the home during the night.

WO4, WO5 and WO6 then arrived. Officers called the AP’s phone several times, but there was no answer and they could not hear the phone ringing inside the residence. They

concluded that the AP may have left, or may have “passed out” after being awake and active during the night.

The decision was made to ask CW1 to bring a key. When she arrived, WO6 and WO7 spoke with her. CW1 told the officers that the AP had attempted to take his own life by hanging on a previous occasion. In this conversation, the officers were also told by CW1 that when she was in the home the day before, she had seen a rope on the stairs. CW1 later told the IIO that she had warned the officers the day before about seeing the rope, though none of the involved officers, questioned about this by IIO investigators, acknowledged having been given that information by CW1 until August 3.

Based on this new information, the group of officers now entered the AP’s residence, using CW1’s key. They found the AP having suffered what appeared to be fatal self-inflicted injuries. The officers applied CPR until Fire Department members arrived and took over. EHS paramedics subsequently declared the AP deceased at the scene.

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.

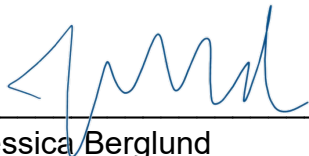
In a smaller number of cases, the evidence gathered may provide the Chief Civilian Director (‘CCD’) reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration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

The duty of the subject officers when they were called to check on the wellbeing of the AP was to take all necessary steps to determine whether he should be apprehended for his own safety and taken to hospital. As mentioned earlier, the statutory requirements that must be met before police may apprehend a person under the *MHA* include

information received or actual observations that the person “is acting in a manner likely to endanger that person’s own safety or the safety of others”. On August 2, during the times officers interacted with and made observations of the AP, there was no evidence that he was acting in such a manner. Neither had he committed any arrestable offence (a person does not commit an offence by damaging his own possessions in his own home). On the second visit by police that day, despite his earlier displays of anger, the evidence is that the AP was peaceful and cooperative, with no indication of violent or suicidal intentions.

While it is tragic that the AP apparently chose, at a later time, to harm himself, the officers’ decisions on August 2 were neither unreasonable nor negligent. When police attended again the next day, it was reasonable, based on the information received from CW1 at that time, to use her key to enter the home and check on the AP. The evidence is that as soon as they discovered him, the officers took all possible steps to save his life.

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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