



**IN THE MATTER OF THE DEATH OF A YOUTH  
IN AN INCIDENT INVOLVING MEMBERS OF THE  
VANCOUVER POLICE DEPARTMENT IN  
VANCOUVER, BRITISH COLUMBIA  
ON AUGUST 5, 2023**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2023-235

Date of Release:

November 27, 2025

---

THIS PAGE INTENTIONALLY LEFT BLANK

## INTRODUCTION

In the early morning hours of August 5, 2023, Vancouver police officers went to a park in East Vancouver in response to a 911 call reporting that shots had been fired in the area. The officers encountered the Affected Person (“AP”) in the park wearing clothing consistent with the information police had received about the shooting suspect. As the officers approached the AP, he stood up and pointed a replica handgun at them. Several officers discharged their firearms at the AP, who was struck by several bullets and died from his 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 17 civilian witnesses, three paramedics and 13 witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- forensic examinations of scene and exhibits;
- audio recordings of a 911 call and police radio transmissions;
- police, health services and fire services records;
- civilian video recordings with audio of the shots fired or events following the incident;
- autopsy report.

The IIO does not require officers whose actions are the subject of an investigation to provide evidence. In this case, three subject officers gave access to their written duty reports. Otherwise, the subject officers declined to participate further.

## NARRATIVE

At 2:12 a.m. on August 5, 2023, Vancouver police received a 911 call stating that the caller had heard gunshots and the sound of glass breaking. He said that the male suspect, dressed all in black, was now sitting on a bench in Clinton Park. Responding officers later told the IIO that they found it curious that only a single caller had reported shots fired, because the area was densely populated, so they suspected the call may be a prank.

When police arrived at the park, Subject Officer 1 ("SO1") was the first officer to notice the Affected Person ("AP"), who was sitting on a bench in a shadowed area of the park, wearing dark clothing consistent with the description provided by the 911 caller. Subject Officer 2 ("SO2") was driving a police vehicle with SO1 riding as passenger. The two officers had a civilian "ride-along" with them, Civilian Witness 1 ("CW1").

In her written PRIME statement, SO1 stated that when SO2 shone his flashlight in the direction of the AP, the AP turned to look at police but then turned away again. SO1 and SO2 were then joined by Subject Officers 3 and 4 ("SO3" and "SO4"), and the group of officers started to walk towards where the AP was sitting, shining their flashlights ahead of themselves and announcing that they were police. Subject Officer 5 ("SO5") had arrived on scene in the company of Witness Officer 1 ("WO1") and, along with CW1, followed a short distance behind the other subject officers.

In the following accounts, the acronym "PC" is used. In this context it means police constable.

In her PRIME statement, SO1 describes what happened next in these words:

*[T]he male slowly stood up from the bench without saying a word and turned to face PCs. [SO1] then observed the male raise a firearm in her direction. In response, [SO1] began to unholster her firearm to challenge the male when he quickly fired the firearm in her direction. She saw what she believed was a muzzle flash as the firearm fired.*

*[SO1] believed herself, the other PCs and the civilian ride a long were in danger of grievous bodily harm or death. She was fearful if she did not act quickly, her own life as well as the other PCs and the civilians were in danger. As no other lesser force options were appropriate, she fired her firearm multiple times at the male until he fell to the ground.*

*As he fell to the ground, [SO1] repositioned to the north with [SO4] as they were attempting to find cover. [SO1] updated over the police radio that shots had been fired. [SO1] began to re-assess the situation when the male again raised the firearm and began shooting from the ground. [SO1] fired her firearm again multiple times as she believed the threat to her life and others was still active.*

SO5, who was with WO1 and CW1, in his written PRIME report, states:

*The male abruptly stood up and produced a black handgun in his right hand. I recognized it to be a handgun due to my experience with firearms...*

*The male immediately began firing multiple shots, one handed, towards myself and other members. I could see the muzzle flash from the firearm flash in the darkness and a puff of smoke expelled from the firearm. This action demonstrated to me that the firearm was a real, functioning firearm, that was actively discharging bullets towards myself and other members. I recognized that the male now posed an active risk of grievous bodily harm or death to myself, other officers, and members of the public who may be in the park. I ... drew my service pistol, pointing it at the male's torso area. I realised at this point that there were members in front of me and identified that there was a crossfire issue, as they may run in front of me. I re-holstered and turned around, running back Eastbound towards where our police vehicles were parked. I heard multiple shots continuing to be fired. ...*

*As I reached the sidewalk on the Slocan Street Side of the park, I tripped and fell on the ground. I got up as quickly as I could. I heard a whistling sound of what I believed to be bullets whizzing past me. This demonstrated to me the threat still existed and that bullets were continuing to be fired in my direction. I took up a kneeling firing position behind the cover of [a police vehicle], behind the right front wheel and engine block. I re-drew my pistol, resting my arms on the hood of the vehicle. I observed through my red dot sight that the male was now lying down in a prone position. I could see that the male was continuing to fire shots, with his firearm's muzzle flash revealing his position. The male at this time was still a threat of grievous bodily harm or death to officers and others, and I determined that lethal force was necessary to stop the ongoing threat.*

*I fired my service pistol multiple times toward the male's head/torso area to immediately stop the threat. After firing, I continued to reassess the male's behaviour, observing the male through my red dot sight. The male was now lying motionless, and there were no further muzzle flashes from his firearm. At this time, the male was no longer an active threat of grievous bodily harm or death, however, I stayed covering the male with my red dot placed on the male's torso area, in case the situation was to change.*

SO3, who was working in plain clothes with a police jacket overtop that evening, partnered with SO4, joined SO1 and SO2 and walked towards the AP. He also slung a "less-lethal" beanbag shotgun across his chest, as a precaution.

SO3's PRIME statement describing the incident states in part:

*[SO3], [SO4], [SO1], and [SO2] then walked West into the park down a grass slope from Slocan [S]treet. PCs were approaching from the person's right side. Once they got within 10-15 metres of the person*

*[SO3] called out to the person saying "hey it's the police". [SO3] was going to follow-up and ask if that person heard any shots in the area but [SO3] never got the chance to do so. [SO3] observed the following which all took place in a matter of seconds:*

- The person on the bench was dressed in dark clothing, with a hood up over their head.*
- The person stood up slowly, kept their hands down by their waistband, and kept looking straight ahead (North) away from PCs.*
- [SO3] raised his shotgun suspecting something wasn't right with the situation and that a less lethal deployment may be imminent.*
- The person turned to their right so they were now facing [SO3] and the other PCs.*
- [SO3] watched as the person raised a gun from the waistband area and was holding it with both hands.*
- The person then shot several rounds from their gun at [SO3] and the other PCs.*
- [SO3] was looking directly at the muzzle flash coming from the person's gun.*
- The boom sound from each shot fired was deafening and sounded like a cannon to [SO3].*

*[SO3] tried to draw his service pistol from the plainclothes holster he had positioned in the waistband of his shorts just above his groin. [SO3] could not get the gun out quick enough. Instead [SO3] turned to his left, bent over, and sprinted as fast as he could to a large tree that was approximately 15-20 metres away. While running [SO3] could hear the suspect still shooting at [SO3] and the other members. [SO3] lost sight of the suspect while running.*

*As [SO3] was running for cover he was convinced he was going to be shot and killed by a bullet from the suspect. There was almost no cover for [SO3] to hide behind. The run to the tree felt very long. [SO3] has never feared more for his life than in this moment when the suspect was shooting many rounds and [SO3] was unable to return fire.*

*[SO3] arrived behind the tree along with [SO2]. [SO3] did not know where [SO1] or [SO4] were. [SO3] kept hearing gunshots coming from the area of the playground which is where [SO3] last saw the suspect. [SO3]*

*adopted a kneeling position and drew his service pistol from his holster. [SO3] raised his pistol and pointed it toward the playground. From a distance of approximately 10-15 metres [SO3] observed the suspect laying on the ground in what resembled a prone shooting position. [SO3] observed the gun still in the suspect's hands. [SO3] pointed his sights at the head of the suspect. [SO3] pulled the trigger and fired one shot...[SO3] was confident the shot hit the suspect's head. [SO3] kept his sights on the suspect but did not observe the suspect move or fire any more shots from the gun in his hands. [SO3] believed it wasn't necessary to fire another shot at the suspect.*

CW1, the civilian "ride-along" passenger, told IIO investigators that she saw the AP stand up and raise his arm "with a gun, I'm assuming":

*I think he was looking at them, and it was like the stand up, maybe take a step, arm went up and then I heard shot, shot, shot and it kind of -- from what I recall it felt as though he was like moving his arm across. Like trying to shoot at all of them essentially ... Like not to one target or one person standing there, 'cause they were all kind of, sort of in a line a little bit.*

CW1 said she ran back to the cover of the parked police vehicles and did not know if the officers returned fire.

WO1 told the IIO that he was walking behind the group of subject officers when he saw the AP suddenly get up and point what WO1 believed to be a firearm. WO1 said the AP began shooting at police. WO1 said he saw appeared to be a gun in the AP's hand and saw flashes from the muzzle.

WO1 ran back and took cover behind a police vehicle with SO5 and CW1. He told the IIO that there was a pause in the shooting, but that after a few seconds, he heard more shots and saw the AP "kind of prone on the ground, shooting," and could see the muzzle flashes from the AP's gun, facing towards the police. WO1 said that SO5 was crouched down, shooting from behind the car.

When the shooting stopped, the AP was observed to be lying face down on the ground with what appeared to be a handgun in or near his hand. Witness Officer 2 ("WO2") fired a round from a "less-lethal" ARWEN ("Anti-Riot Weapon, Enfield") at him to determine whether the AP was responsive, and then a Police Service Dog ("PSD") was employed to pull him away from the weapon. Officers, and then paramedics, attempted first aid, but the AP had been fatally wounded.

Multiple civilian witnesses confirmed hearing two distinct volleys of gunshots during the incident. The audio tracks from a nearby security camera were analyzed and showed that there was a group of nine shots followed about 20 seconds later by a group of seven. Over the following four seconds there were five more shots, and then, a further 14 seconds later, a final shot, making 22 shots in total. The audio recording from another device appears to evidence a total of 23 gunshots, not including the sound of the less-lethal ARWEN round.

Forensic examination of the scene located a cell phone close to the AP's body. Investigation later determined that this phone belonged to the AP and was used to make the 911 call to police. Scene examination also resulted in the recovery of 21 expended cartridge cases from police firearms. While it is not possible to determine with certainty the total number of rounds fired by the five subject officers, it can be said conservatively to have been more than 20.

Following the incident, round counts were completed with SO1, SO2, SO3, SO4 and SO5. SO2 was noted to be missing bullets from two magazines with one being empty. Each magazine holds 17 bullets, suggesting SO2 fired 17 rounds and then reloaded. An unfired bullet was found on the ground by this tree which is consistent with someone firing from the area of the tree and reloading.

The weapon that the AP had pointed at police was found to be a .177-calibre air pistol, designed to look like a real handgun:



A firearms expert witness retained by the IIO stated that the pistol, powered by a low-compression spring, was capable only of firing pellets at low velocity, and was not capable of producing either a loud sound like a firearm, or a muzzle flash. Testing of the weapon demonstrated that firing it did not produce either a “boom” or a muzzle flash. After firing each shot, it was necessary to undertake a process to re-cock the gun and re-chamber a pellet before the gun could be fired again. The process was found to require the use of both hands and to take several seconds to complete. There was no pellet ammunition located in the pistol when it was examined, and no fired pellets were found during the scene examination.

At autopsy, the AP was found to have suffered six separate gunshot wounds, including wounds to the head and neck that were judged to have been the primary cause of death.

## ANALYSIS

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 goal 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 most 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 officers, evidence is gathered about potential justifications for that use of force. The CCD then applies legal tests such as necessity, proportionality and reasonableness to reach conclusions as to whether officers’ actions were lawful. The specific focus is 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 officers to believe lethal force was “necessary for the self-preservation of

[the officers] or the preservation of any one under [the officers'] protection from death or grievous bodily harm.”

In some respects, it is difficult to reconcile police accounts of the incident with the objective evidence about the pellet gun believed to have been in the AP's possession. The descriptions of multiple shots fired by the AP, accompanied by muzzle flashes and loud sounds, are not consistent with the evidence that the gun could not produce a loud sound or muzzle flash. It is possible that, once officers started discharging their firearms, officers beside them in the darkness were simply confused by the sounds and flashes of light from their colleagues' weapons. That possibility, though, does not explain why the accounts recited above suggest that subsequent volleys of police gunfire were in response to continued shots from the AP.

However, despite reservations about the police narrative, I conclude that the evidence establishes the following facts:

- the involved officers were responding to a report of shots fired;
- they located an individual matching the description of the alleged shooter; and
- when approached, the individual stood and pointed a realistic-looking handgun at the officers.

Those facts alone, in the circumstances of this case, support that the officers had subjective belief that they faced an imminent threat of death or grievous bodily harm and justify the use of lethal force in response to that threat.

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 27, 2025  
Date of Release