



**IN THE MATTER OF THE DEATH OF A MALE
IN AN INCIDENT INVOLVING MEMBERS OF THE RCMP
IN LANGLEY, BRITISH COLUMBIA
ON NOVEMBER 10, 2023**

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

Interim Chief Civilian Director:

Sandra J. Hentzen

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INTRODUCTION

On the morning of November 10, 2023, Langley RCMP received a 911 call reporting threats that the Affected Person ('AP') was alleged to have made against his place of employment and potentially to himself. AP resided in a rural area, in a dwelling he had improvised within a large commercial storage barn. Officers went to the residence to check on his wellbeing, but they found the outer doors locked and did not receive a response from AP.

As efforts to locate AP continued, police again went to his home, and this time were confronted with aggressive dogs. They requested assistance from an animal protection service, but while attempts to secure the dogs were underway, the officers were shot at from inside a room located in a corner of the storage building.

Emergency Response Team ('ERT') members were called, and took up positions around the building. They used a variety of tactical options and were able to locate AP within the dwelling, but were not able to approach or apprehend him as he kept them at bay with shots from a rifle. At one point, officers saw AP had started a fire within his home and was actively causing it to spread. Police were unable to assist AP in leaving the building before it was entirely engulfed in flame. His burned remains were subsequently found 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 six civilian witnesses and one witness police officer;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- scene video recordings from a police helicopter and police drones;
- audio recordings of the 911 line and police radio transmissions;
- police officers' notes;
- copies of text messages sent by AP;
- Langley Animal Protection Society complaint report;
- forensic firearms report;

- scene examination and photographs;
- preliminary autopsy report; and
- BC Coroners Service DNA report.

NARRATIVE

At about 9:00 a.m. on November 10, 2023, a Civilian Witness ('CW') received a series of text messages from an employee, the Affected Person ('AP') in this case. The messages appeared to be both suicidal and potentially threatening, with comments such as "I don't care if I die ... you deliberately destroyed my life ... you pushed me too far ... I'm losing control ... it's up to you how this ends ... I have nothing more to lose ... I'd rather die". CW called the police, as he felt that the texts implied a threat to the workplace or staff.

General Duty police officers were dispatched to check on AP at his home, while another officer went to AP's place of work. AP was living on rural property, in a dwelling inside a much larger commercial-style building in which various items of equipment and vehicles were being stored. When police arrived there, they found that a man-door giving access to the building was secured with a padlock. They knocked, but did not receive a response. AP's vehicle was not located on the property.

Considerable further efforts were made to locate AP, without success, and police left numerous voice and text messages on his cell phone. The phone was 'pinged', but no location was obtained. At about 2:00 p.m., officers went back to AP's residence. They found the padlock had been removed, but still were not able to enter or to get a response from AP. They did observe a Pit Bull dog come out through a dog door into a fenced enclosure, and were informed by the property owner that the dog was known to have jumped out of the enclosure on earlier occasions. A second dog was barking aggressively inside the building. Because of this, a call was placed to the Langley Animal Protection Society ('LAPS'), requesting assistance in taking control of the dogs.

The first dog was secured using a catchpole and a police officer was then able to enter the building through the dog door and unlock a sliding vehicle door. Police announced their presence as they entered the building. As they proceeded through the interior, calling out to AP, they found a room that had been constructed from plywood in one corner, with a single door. A second dog was barking from inside. Officers stated they called out to AP by name, telling him they were there to check on his wellbeing, but there was no response from inside the room. When the officers opened the door slightly, the second Pit Bull was visible inside, lunging at the door, but AP was not seen.

By this time, the officers were concerned that AP might be deceased. They called three LAPS officers into the building to take control of the dog. One of the LAPS officers later told the IIO that as they were trying to manoeuvre a catchpole through the slightly open door to snare the dog, “there was a gun shot that went off and shot through the door area”. He said he felt debris from the door hit his body, and a police officer yelled, “gunfire”. The police and LAPS officers retreated rapidly and took cover. A request for ERT attendance was radioed. Emergency Health Services were staged near the scene and a medical trauma physician was asked to attend.

After ERT members took over containment of the scene, they formulated contingency plans and used specialized techniques that will not be described in detail here. The plans included a decision that in the event of fire, firefighters were only to enter the building if it was safe to do so. The techniques included the use of drones to conduct surveillance, and continuous callouts to AP in attempts to have him exit the building and surrender without any further violence or risk of harm. AP did not respond directly to those communications, but gun shots were occasionally heard from inside the building.

During the subsequent IIO investigation, investigators collected and reviewed video recordings that had been obtained by police using drones inserted into the building. AP is visible in some of the recordings. On one occasion, he is seen to discharge a rifle in the direction of the drone. On another, he can be seen lighting a fire on top of flammable furniture in his dwelling. He then throws burning material around in the room, and appears to spray some sort of accelerant onto the floor. He throws a bin lid at the drone, and shows no intention of leaving the room as the fire grows.

Because of AP’s demonstrated willingness to shoot at intruders, firefighters could not be allowed to enter and address the fire. ERT members tried to force AP to exit by punching a hole in the exterior wall of the building with an armoured vehicle and inserting a chemical gas. Finally, with AP still unresponsive to all attempts to get him to leave the burning building, police were forced to simply contain the building and hope for an opportunity to get fire department members involved when safe to do so.

Shortly after midnight on November 11, police were told by the fire department that the fire, now completely engulfing the building, was not survivable. At 12:30 a.m., the ERT turned the scene back to General Duty members. The burned building was judged by the fire department to be inaccessible for several days. Once cleared as safe to enter, IIO investigators and a police forensic investigation team conducted a coordinated search.

In the corner of the burned building where AP’s home had been located, the remains of a rifle and several expended 30-30 calibre cartridge casings were found. AP’s burned remains were located at the opposite end of the building.

At autopsy, because of the condition of the remains, no cause of death could be definitively determined, though the pathologist stated that nothing was noted consistent with any cause other than the fire. Identification of the remains was established by DNA analysis using a sample from a family member, and from some distinguishing physical characteristics.

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.

There is nothing in the evidence gathered in this investigation to give grounds for a conclusion that police were responsible for AP's death, or that any officer committed any offence. After being alerted to the concerning texts AP had sent to CW, it was reasonable to find AP and check on his wellbeing. His communications had suggested that he may have been intending harm, either to himself or possibly to his former workplace. Police had a duty to ensure that risk was averted. On their second visit to his residence when it appeared that he had likely returned home, therefore, it was reasonable to enter after he failed to respond.

AP's action in discharging a firearm through the door, potentially causing serious harm to police and the animal protection officers, escalated the situation considerably in two respects. On the one hand, AP became arrestable for a serious criminal offence, and police were justified in using whatever force was necessary to apprehend him. On the other, though, AP had demonstrated that any attempt to take him into custody was likely to be met with a level of resistance that would endanger the lives of police. Those two

factors made it reasonable for the next steps taken by the attending officers: requesting the assistance of specially trained and equipped ERT members, while also arranging for the attendance of medical professionals.

The motivation behind AP's unfortunate decision to set his home on fire will of course never be known, but the video evidence establishes that it was not prompted by any unjustifiable actions on the part of the ERT officers. Once the building was ablaze, with AP still armed and resistant inside, it was not possible for firefighters to enter without incurring unacceptable risks to themselves, and it was reasonable for police to hold them back while best efforts were made to have AP exit and surrender.

Nothing that police involved in this matter did (or did not) do caused AP's death, which was the result solely of his own decisions and actions.

Accordingly, as Interim 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.



Sandra J. Hentzen
Interim Chief Civilian Director

May 30, 2024

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