



**IN THE MATTER OF THE DEATH OF A MALE
IN AN INCIDENT INVOLVING MEMBERS OF THE
ABBOTSFORD POLICE DEPARTMENT IN
ABBOTSFORD, BRITISH COLUMBIA
ON DECEMBER 17, 2023**

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

Interim Chief Civilian Director:

Sandra J. Hentzen

IIO File Number:

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INTRODUCTION

On the evening of December 17, 2023, Abbotsford police received a 911 call from staff at a shelter saying that the Affected Person ('AP') had just left the shelter saying he wanted to die by having police shoot him. Officers located AP and observed that he was carrying a knife in one hand and bear spray in the other. When AP advanced on the police, still holding the weapons, five officers discharged their firearms. AP was subsequently pronounced 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 a civilian witness, seven first responders and eight witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of 911 call and police radio transmissions;
- video recordings from commercial premises near the scene;
- scene examination and photographs; 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 Subject Officers who discharged their firearms have not provided any account.

NARRATIVE

On the afternoon of December 17, 2023, hospital staff asked Abbotsford police officers to escort the Affected Person ('AP') off the premises because he wanted to leave but was acting in an aggressive and angry manner. They also noted that his personal effects included a bag containing a knife and pepper spray, which they would be required to return to him, pursuant to hospital policy. Officers assisted, subsequently dropping AP off at a shelter. A Civilian Witness ('CW') told the IIO that when she checked AP in at the shelter, he told her he had been arrested earlier and his car had been towed. He had lost his wallet and keys, so could not recover his car, in which he had been living.

CW said that AP was calm and polite when he arrived at the shelter, but became increasingly agitated over the following hours. She said he told her words to the effect of, "I can't do this" and "I don't want to be here any more". When CW asked him what he meant, AP replied, "Alive". CW said she took AP aside, and he told her she might as well call the police "to come and shoot me in the head, because that's what I want". AP then walked out of the shelter and, concerned for his welfare, CW called 911. She told the call-taker that AP had mentioned 'suicide by police', but she did not believe he had any weapons with him.

Officers located AP on a commercial street just north of Highway 1, and reported by radio that he had a large knife and was not following directions to drop it. AP was also reported as having a can of bear spray in his hand. Other officers responded and went urgently to the scene. Paramedics were asked to be on standby, and officers at the scene called for 'less lethal' force options to be made available. Witness Officer 1 ('WO1') told the IIO that he was driving a police vehicle with Subject Officer 1 ('SO1') as a passenger. As he drove with emergency lights and siren activated, he said, SO1 in the passenger seat prepared a 'less lethal' beanbag shotgun. At the same time, WO2, who also had a beanbag shotgun, started moving towards the scene.

WO3 told investigators that as he arrived he saw two other officers already out of their vehicles with pistols drawn. He said he drew his own sidearm and took a cover position close to SO2. WO3 said he could see AP sitting with a knife in his right hand. He said AP was ignoring "numerous" requests, mainly from SO2, to drop the knife.

WO4 recalled seeing SO1 and SO2 positioned near parked police vehicles as several other officers were arriving. WO4 armed himself with a police carbine and took cover behind a vehicle. WO4 said that AP was sitting on a curb with a can of bear spray in his left hand and something else in his right. He said that when he asked other officers what was in AP's right hand, AP himself answered, "It's a knife".

AP then stood up. WO3 said AP was telling the officers, "Fucking kill me, shoot me, I just want to die", and took three or four steps towards them. WO3 said he was asking AP to drop the knife, saying, "We care about you, We don't want to do this. Just drop the knife", and AP sat down again. WO4 too said that police were attempting to de-escalate the situation, but AP continued to tell the officers to shoot him.

WO3 said that as AP stood up again, SO1 fired several beanbag rounds. He said that at least one round struck AP, who hunched over briefly but then straightened up again. WO4 said that he considered using a Conducted Energy Weapon ('CEW' or 'Taser'), but decided against it as the distance to AP was too great. He said that two volleys of

beanbags, approximately 40 seconds apart, appeared to be ineffective. He described AP as stepping back and forward, as if he was trying to “bait” police into shooting.

WO1 said that SO1 had apparently emptied her beanbag shotgun, as he heard her calling that she was reloading. He said that AP then turned and started walking towards the officers, saying, “Shoot me, shoot me”. WO3 told the IIO that AP appeared more “motivated” now, and was walking quickly towards police. He described the walk as “brisk”, and said he saw that AP still had the knife and bear spray in his hands. WO4 also noted AP advancing at an increased pace. He said that there appeared to have been “a switch” in AP’s mind.

WO1 saw SO1 drop the beanbag shotgun and draw her service pistol. He said that he and SO1 were now standing shoulder to shoulder, aiming their firearms at AP. He said he then heard shots being fired. He did not discharge his own weapon as he felt he had better cover than some of the other officers. WO5 said that he heard police commands of “drop your weapon” and “stop” as AP “walked with purpose” towards the officers. As he was raising his rifle, he said, he heard a volley of shots from other officers. At the time, AP was advancing “quicker than a walk but less than a jog”. WO3 estimated that AP was about 20 feet from the officers when “multiple” shots were fired.

Video of the incident from nearby commercial premises shows AP striding towards the group of officers and falling to the ground approximately eight metres from them.

Officers went to AP, kicked the knife away and applied handcuffs. They immediately began cutting away AP’s clothing and applying pressure to his wounds. AP, though, was subsequently declared deceased by paramedics.

AP’s postmortem report indicates the presence of five gunshot wounds to the head, neck and extremities. No bullets or bullet fragments recovered, either at autopsy or from the scene, could be definitively associated with any of the police firearms discharged in the incident.

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 officers, 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 officers' 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 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".

At the time officers discharged their weapons, AP clearly posed a threat of grievous bodily harm or death to them. His possession of bear spray was not insignificant in this regard: while not lethal in its own right, it could readily be used to blind and disorient an officer, who would then become more vulnerable to an attack with AP's knife. The officers had quite properly tried to bring AP under control by the use of non-lethal force, but unfortunately that had not been sufficient to stop AP.

The evidence, including AP's earlier statements and the objective video evidence, indicates that he intended the police to believe lethal force was necessary for their own protection. That belief, in these circumstances, was reasonable and the officers' actions were therefore justified in law.

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

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