



**IN THE MATTER OF THE INJURY OF A MAN
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP
IN LUMBY, BRITISH COLUMBIA
ON JANUARY 3, 2024**

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

Chief Civilian Director: Jessica Berglund

IIO File Number: 2024-002

Date of Release: January 24, 2025

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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 January 3, 2024, there was an incident in a rural area near Lumby in which the Affected Person (“AP”) suffered a self-inflicted wound while RCMP members were attempting to arrest him. 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 two civilian witnesses and five witness police officers (the AP did not provide any evidence to the IIO);
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- Watchguard dash camera video and audio evidence;
- data download from a Conducted Energy Weapon (“CEW” or “Taser”); and
- medical evidence.

NARRATIVE

On the afternoon of January 3, 2024, Civilian Witness 1 (“CW1”) received a phone call from her spouse, the Affected Person (“AP”) in this case. The AP was sitting in his parked pickup truck on a country road outside Lumby, and was involved in a stand-off with police officers. CW1 later told IIO investigators that the AP said, “he didn’t want to go back to jail.” CW1 said she could hear yelling in the background, and could hear the AP telling officers to “get away from his truck.”

CW1 said that when she asked the AP why he would be going to jail, he told her that it was because his truck was not insured. This reason sounded odd to CW1 and made her think there was more to the situation than that.

CW1 drove towards the scene of the stand-off, but a short distance from it she was stopped by an officer who told her that if she tried to get closer she would be arrested. CW1 sat in her parked vehicle listening over the open phone line. She said she could hear continued yelling, and then the AP said, "They're at the back tire." CW1 said she saw the headlights of the AP's truck for a short time, and then they disappeared. She said the AP then told her that he loved her and was "sorry."

The AP had been brought to the attention of the RCMP that day by Civilian Witness 2 ("CW2"), who had called police to report a truck that had been blocking his driveway. Querying the truck's licence plate, responding officers noted that the registered owner (the AP) was bound by a release condition not to "loiter" in a parked vehicle.

The officers' accounts of the incident, provided to the IIO, are consistent with other evidence gathered by IIO investigators, including video and audio recordings from police vehicles at the scene.

The first officer on scene was Witness Officer 1 ("WO1"). WO1 confirmed with a supervisor that the AP was arrestable for a breach of probation, and activated his police vehicle's emergency lights and used his loudhailer to order the AP to exit the pickup truck. WO1 told the IIO that the AP responded by saying he would not go back to jail, and drove the truck about two hundred metres down the road, to a dead end.

Next to arrive was Witness Officer 2 ("WO2"), who deployed a spike belt across the road as a precaution, in case the AP turned back and tried to escape in the truck. WO2 was the officer who stopped CW1 as she approached the scene. He told IIO investigators that CW1 informed him that the AP had previously attempted suicide and that his current behaviour was not unusual for him. WO2 said he asked CW1 to stay on the phone with the AP to keep him calm and get him to comply with police.

Witness officers 3, 4, and 5 ("WO3", "WO4" and "WO5") also attended. WO3 was a dog handler, and was accompanied by a Police Service Dog ("PSD"). WO4 told the IIO that he was familiar with the AP from having arrested him on an earlier occasion, and viewed his behaviour as escalating and becoming increasingly violent. He said he had observed knives, machetes and loose firearm ammunition in the AP's vehicle during the earlier arrest. WO5 was working in his capacity as a member of the Integrated Crisis Response Team. He told the IIO that he usually works with a mental health nurse, but the nurse was not available that day, so he came by himself, hoping to be able to de-escalate the situation.

WO5 told the IIO that he approached to within about five feet from the AP's truck and tried to engage him in conversation. As he was speaking with the AP, WO5 was updating the other officers on the situation. He told them that the AP was refusing to get out of the truck, saying he was "not going to jail." WO5 said that the AP told him he did not want to hurt anyone else, just himself. WO5 said he responded that there was no need for the AP to harm himself, and they should just "go about this the proper way." The AP, he said, was calm and respectful, but the conversation was "circular," with the AP repeatedly saying "that he would be dead before he would leave his vehicle."

In an attempt to disable the AP's truck, WO1 attempted to place a spike belt under its rear tires. Despite WO3 shining his headlights into the truck's mirrors from behind, though, the AP noticed what WO1 was doing. He put the truck in gear and accelerated away, stopping a short distance away at an angle across a gate at the end of the road. As the AP was attempting to turn the truck around, WO3 drove his police vehicle forward at low speed, contacting the front driver's side bumper of the truck and pushing it into the ditch. WO3 told IIO investigators that the AP's movements inside the truck appeared "animated" and "frantic." He said the AP tried several times to push the police vehicle aside and drive past it, but the truck's tires span in slush and mud and the truck slid farther into the ditch until it was not able to move.

At that point, WO1 went to the driver's window and broke it with a glass breaker. Close behind WO1 was WO4 with a Conducted Energy Weapon ("CEW" or "Taser"). WO4 told the IIO that the AP was staring at him blankly with a "thousand yard stare," and his hands were not visible. WO4 said he believed that the AP was about to harm himself, so deployed his CEW through the broken window. He said he was hoping to incapacitate the AP temporarily, allowing officers to gain control of him before he could access something with which he might harm himself or police.

WO4 said that, approximately two seconds after the CEW deployment, he saw that the AP appeared to be in pain, in a way that did not seem to be a normal reaction to the CEW. Shifting his position slightly, WO4 said, he saw that the AP appeared to have stabbed himself in the abdomen.

WO1 and WO5 reached into the truck and held the AP's arms to prevent him from doing more damage to himself, and officers talked to the AP in attempts to calm him. The officers held the AP until fire department members arrived, followed by paramedics. The AP was then removed from the truck and taken on a stretcher into an ambulance.

One of the probes from WO4's CEW was found in the snow beside the truck, and the other was lodged in the truck's weatherstripping.

When she visited him in hospital after the incident, CW1 said, he told her that police had “tasered” him after he had stabbed himself (while this evidence assists in a determination of the sequence events, forensic examination of the scene suggested that the CEW did not actually make effective contact with the AP at any time). CW1 also said she felt that if the police had let her go to the AP during the incident, she could have talked him out of self-harming.

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.

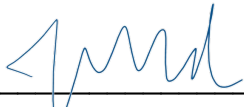
In a smaller number of cases, the evidence gathered may give the Chief Civilian Director (‘CCD’) reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration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

The evidence here, including the AP’s account, reported to IIO investigators by CW1, establishes that the AP’s injury was self-inflicted and was not caused by any of the attending officers.

Those officers were acting in lawful execution of their duty when they responded to CW2’s initial complaint and then discovered that the AP was arrestable for breaching court-ordered conditions. It is clear that the AP was adamant that he would not cooperate, despite WO5’s efforts at de-escalation, and statements from the AP to the effect that he would rather die than surrender to police gave rise to reasonable fears that he might harm himself or others. Because of that, it was reasonable for the involved officers to try to disable the AP’s vehicle, unsuccessfully at first by use of a spike belt, and then by using a police vehicle to push the AP’s truck into a ditch where it became stuck.

At that point, the breaking of the truck's window and deployment of a CEW against the AP was justified as a reasonably proportionate attempt to prevent the AP from using a weapon against himself or the arresting officers. It is unfortunate that the CEW deployment was not effective in averting the AP's injury, but the evidence indicates that the officers' swift actions prevented the AP from making that self-inflicted injury worse.

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

January 24, 2025

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