



**IN THE MATTER OF THE DEATH OF A MAN  
WHILE BEING ARRESTED BY MEMBERS OF THE RCMP  
IN MACKENZIE, BRITISH COLUMBIA  
ON JUNE 1, 2024**

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

Chief Civilian Director: Jessica Berglund

IIO File Number: 2024-124

Date of Release: January 27, 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](https://crisisservicescanada.ca)
- British Columbia: [crisislines.bc.ca](https://crisislines.bc.ca)
- Vancouver and surrounding areas: [crisiscentre.bc.ca](https://crisiscentre.bc.ca)
- Vancouver Island: [vicrisis.ca](https://vicrisis.ca)
- VictimLinkBC: 1-800-563-0808

## INTRODUCTION

On June 1, 2024, the Affected Person (“AP”) was arrested at a bank in Mackenzie after allegedly attempting to complete a fraudulent transaction. He was escorted out towards a waiting police vehicle by the Subject Officer (“SO”) but then fled on foot. After a short foot chase, the SO tackled the AP and struggled with him on the ground, assisted by two civilian bystanders. The struggle was video recorded by another civilian witness. The AP produced a firearm, which he aimed in the direction of the SO’s head. In response, the SO drew his own pistol and discharged one round at the AP, who was fatally wounded.

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 13 civilian witnesses and one witness police officer;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- audio recordings of 911 call and police radio transmissions;
- civilian witness cell phone video recordings;
- security camera video recordings from commercial premises;
- scene and exhibits examinations and forensic firearms reports; and

- autopsy and toxicology reports.

The IIO does not require officers whose actions are the subject of an investigation to give an account. In this case, the SO has not provided any evidence to the IIO.

## **NARRATIVE**

At about 1:45 p.m. on June 1, 2024, the Affected Person (“AP”) went to a bank at the Mackenzie Centre Mall and attempted to cash a cheque that was dated that day, but purportedly signed by a person who the cashier knew had died in 2021. Bank staff called the police and kept the AP waiting until the Subject Officer (“SO”) and Witness Officer 1 (“WO1”) arrived at 2:11 p.m.

While WO1 was in an office discussing the matter with a bank employee, the SO left the bank with the AP walking behind him. They walked away from the bank towards the west exit from the mall. WO1 told IIO investigators that he was familiar with the AP from previous incidents and that the AP had always been cooperative, which may have explained why the SO had not placed the AP in handcuffs.

WO1 said that when he realized the SO had left with the AP, he followed to assist. Despite the AP being cooperative in previous incidents, when WO1 realized he had lost sight of his partner, he felt that something was wrong. WO1 said that someone approached him in the hallway and said, “Hey, your buddy went running around the corner.” WO1 looked out through the doorway to where the police vehicles were parked, and could see neither the SO nor the AP. He asked over the radio for the SO’s position and then left the mall through the south exit, intending to cut off the AP from his home address, which he knew to be in that direction. He did not see the AP there, so re-entered the mall.

As he went back through the mall towards the north, WO1 said, he heard a “10-33” (emergency—officer needs assistance) tone on the radio. Sprinting out of the north exit, he saw the AP on the ground in the parking lot and the SO standing about 10 feet away with his gun in his right hand, operating his radio with his left hand.

WO1 said he could see that the AP was seriously wounded. When WO1 turned the AP over in an attempt to perform life-saving measures, WO1 saw that there was a gun on the ground near the AP’s head, so he kicked it away. WO1 said that the SO reported having shot the AP in the neck. WO1 continued providing first aid to the AP with chest compressions until an ambulance arrived and transported the AP to a hospital, where he was subsequently declared deceased.

IIO investigators were able to obtain a video recording of the interaction between the SO and the AP from the cell phone of a civilian witness. The recording begins with the SO standing and wrestling with the AP. They go down onto their knees with the AP bent forwards, and a female civilian witness attempts to help the officer by climbing astride the AP's back. The AP, however, straightens his legs and rises up, throwing the female off. A male civilian bystander also approaches. The SO, who is of significantly smaller stature than the AP, continues to have difficulty controlling the AP.

The AP is then able to push the SO over onto his back, despite efforts by the two civilians to assist. The male civilian is able to help the SO operate his radio. The AP is now on top of the SO, and a black pistol is visible in the AP's right hand, pointed directly at the SO's head. Both the civilians are trying strenuously to pull the AP away from the SO, but are unable to do so, though their efforts appear to cause the AP's right arm to angle away to the side briefly.

A gunshot can then be heard on the recording and the SO, still under the AP, is seen struggling to get up. The SO's left hand appears, and places a black gun (the AP's) onto the ground beside him, and he then rolls clear of the AP, who is hunched forward. The SO stands, pointing his service pistol (silver in colour) at the AP and yelling at him, "Get on the ground!". WO1 appears and also aims his pistol at the AP, who is now lying face-down on the ground.

The statements of the civilians who attempted to assist the SO, and of other civilian eyewitnesses, confirm the narrative provided by the video set out above. There is one significant difference, in that the two civilians assisting the SO did not recall seeing a gun in the AP's hand, whereas the group of witnesses viewing the incident from where the cell phone video was taken did see it, and thought the AP had taken the officer's pistol. As noted above, the video clearly shows the AP holding and pointing his gun. While that was happening, though, the two civilians attempting to pull the AP off the SO were behind him, so their view of his hands was blocked.

Attending paramedics later told the IIO that when they arrived at the scene, they found a police officer (WO1) performing CPR on a male lying on the ground (the AP). They both said they noticed a black handgun on the ground close to the patient.

Forensic firearms examinations concluded that the gun found at the scene was a 9mm "Privately Made Firearm" (3-D printed plastic) that was fully functional and loaded with 9mm ammunition. The gun was a prohibited weapon and was unlicensed. The bullet that caused the AP's fatal wound was confirmed as having been fired from the SO's duty pistol, as was an expended cartridge case located 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.

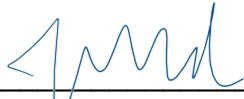
In a smaller number of cases, the evidence gathered may give the Chief Civilian Director ("CCD") reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration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

In a case such as this one, involving the use of lethal force by an officer, one of the avenues 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 officer to believe lethal force was "necessary for the self-preservation of [the officer] or the preservation of any one under [the officer's] protection from death or grievous bodily harm."

The involved officers were acting in the lawful execution of their duty when they arrested the AP for attempted fraud at the bank, and were justified in using whatever force was reasonably necessary for that purpose. When the AP fled from the SO, the SO was acting lawfully in attempting to apprehend the AP and bring him under control.

Despite the courageous efforts of the two civilians, it appears that the AP was getting the upper hand in the fight that then ensued. What the AP then did, in pointing a firearm directly at the SO's head during the struggle, gave the officer reasonable grounds to believe he faced imminent death or grievous bodily harm, and his deployment of lethal force in response was necessary and justified.

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.



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Jessica Berglund  
Chief Civilian Director

January 27, 2025

Date of Release