



**IN THE MATTER OF THE INJURY OF A MAN
WHILE BEING APPREHENDED BY MEMBERS OF THE
VANCOUVER POLICE DEPARTMENT IN
VANCOUVER, BRITISH COLUMBIA
ON NOVEMBER 30, 2024**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2024-281

Date of Release:

September 25, 2026

INTRODUCTION

In the early morning hours of November 30, 2024, Vancouver police received a report of a carjacking at a location on Main Street. The stolen vehicle was observed several times, driving dangerously, in different areas of the city.

It was being driven by the Affected Person (“AP”). Officers then found it stopped at the side of a residential street, and pulled their police vehicle across in front of it. Shortly after they approached on foot, one on either side of the stolen vehicle, both officers discharged their duty firearms. A bullet from the pistol of the Subject Officer (“SO”) struck the AP and he was injured.

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 the AP, 10 other civilian witnesses, two firefighters 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;
- security camera recordings from premises near the arrest scene; and
- medical evidence.

The IIO does not require an officer whose actions are the subject of an investigation to provide evidence. In this case, the SO provided a written statement through his legal counsel.

NARRATIVE

Just after 4:00 a.m. on November 30, 2024, Vancouver police received a 911 call reporting that a BMW vehicle (“the BMW”) had been stolen at knife-point from an address on Main Street. Police were informed that the BMW was equipped with a GPS tracker, but found that the positions the tracker provided lagged, so were only partly usable. Because of this, officers had to rely on sightings, and patrolled a wide area, hoping to locate the vehicle. Officers observed the BMW being driven at very high speeds in a

dangerous manner. The involved officers categorized the suspect as unidentified, armed and dangerous.

A police supervisor radioed that, given the AP's erratic driving behaviour and speed, they were going to terminate their search for the vehicle.

However, only a few seconds later, Witness Officer 1 ("WO1") announced over the radio that the BMW was boxed in at an intersection in a residential neighbourhood on the East Side. It had been seen by the SO and Witness Officer 2 ("WO2") as it suddenly stopped at the side of the road. The two officers were in plain clothes and were driving an unmarked police vehicle. WO2, who was driving, pulled the police vehicle in, diagonally across the front of the BMW, and both officers exited, calling "Police!" WO2 did not at any point activate the emergency lights of the unmarked police vehicle.

The SO went to the passenger side of the BMW with his pistol drawn while WO2 approached the driver's side. WO2 was yelling at the AP to get out of the car. He tried to open the driver's door, but found it locked. He later told the IIO that he saw the AP fumbling around inside the car, and that the AP then placed the vehicle in reverse. WO2 said he became scared that the officers might be struck by the BMW if the AP was trying to drive away. WO2 said he decided to try to break the driver's window by striking it with the butt of his pistol. The window did not break. On the fourth strike, WO2 said, he heard a "pop," though he did not see a muzzle flash from the pistol, or feel a recoil.

WO2 said he did not know if he had experienced an accidental discharge of his firearm, or if either the AP or the SO had fired a weapon. Immediately after the first pop, however, he heard two more. He could now see broken glass inside the car, he said, and noticed that the AP's behaviour had changed.

In his written statement, the SO states that he could see the AP moving around and heard the sound of the car being put in gear. He says he then heard the sound of a gunshot, and thought that the AP had shot at WO2, whom the SO could not see because of the darkness. The SO fired two rounds from his pistol at the AP. The first shot broke the window, and the second struck the AP in the upper right arm.

WO2 told IIO investigators that there was no communication between him and the SO during the incident, including during the discharges of their pistols.

WO2 told investigators that the AP unlocked the car's door himself and got out, screaming, "Don't kill me!" WO2 ordered him to the ground and the AP complied.

Moments after the shots, WO1 arrived and parked his police vehicle partially between WO2's vehicle and the BMW, which had rolled back a short distance until stopped by the curb. Witness Officer 3 ("WO3"), next to arrive at the scene, later told the IIO that WO2 told him he had experienced an "accidental discharge" of his pistol, and appeared to be embarrassed.

The officers provided first aid to the AP, including a tourniquet for his upper arm. He was subsequently transported to hospital and treated for a single gunshot wound. A large bullet fragment recovered from the wound was forensically matched to the SO's pistol. No weapon was found in the vehicle.

Asked by investigators why he and the SO had not waited for other officers to arrive, while holding the AP at gunpoint, WO2 explained:

As soon as he put the car in reverse, then my thought was instantly that this guy is gonna use this car as a weapon now against me. And the way my car was positioned, he was probably gonna swing his front end into me. And I think "fight or flight" and I just was trying to get that window open so I could get the door open and get him out of that car and stop all, like, further risk to anyone else.

IIO investigators were unable to locate the bullet discharged from WO2's pistol in the course of his attempts to break the BMW's window with the pistol butt, and did not discover anyone in the vicinity who had been injured by it.

Interviewed later at the hospital by IIO investigators, the AP acknowledged having stolen the BMW and that he drove at high speeds to scare other people and that there were people trying to kill him.

The AP said that when WO2 came to his window, he knew it was a police officer and that he needed to cooperate, but was having trouble putting the car in park (the BMW had a non-standard gear selection system with a push-button parking brake).

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 may have committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to the BC Prosecution Service ("BCPS") 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 will be on the degree of threat posed by each 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."

While the accidental discharge of WO2's pistol might have met the legal test for the offence of careless use of a firearm, that offence requires proof of a "marked departure" from the expected standard of care. Across policing generally, firearms are not normally intended to be used as impact tools because of the risks of accidental discharge and damage to the weapon. Officers are typically trained to use purpose-built rescue or entry tools when available. Having said this, any misuse of the pistol in this case does not meet the criminal test for careless use of a firearm.

The SO's two shots, on the other hand, were clearly deliberately fired, so must be legally justified as a use of lethal force.

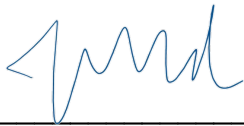
The SO discharged his weapon in circumstances that were not ideal. The SO stated he could not see WO2 and, as such, did not see the accidental discharge from WO2's pistol. Although he did not see a weapon associated with the AP, the SO stated he believed the AP had fired at WO2 and therefore the SO fired two shots at the AP.

When the SO heard the single accidental discharge of WO2's pistol, it would have been reasonable for him to believe that the AP was shooting at WO2. If that were so, the SO's immediate use of lethal force against the AP would have been justified, to stop the threat of death or grievous bodily harm posed to WO2. However, there were a number of errors made by both the SO and WO2 during this incident which culminated in the firearm

discharges. Most significantly, the two involved officers had been directed to terminate attempts to apprehend the AP, but failed to do so; they then approached the subject vehicle on foot in circumstances where it was likely to become immediately mobile again; they failed to communicate between themselves despite the obvious difficulty in seeing each other; and WO2 acted inappropriately in attempting to use his pistol as a glass-breaker, causing the accidental discharge that prompted the SO to shoot at and injure the AP.

As outlined above, however, those errors do not rise to the level of criminality, either in isolation or cumulatively.

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 the BCPS for consideration of charges.



Jessica Berglund
Chief Civilian Director

September 25, 2026

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