



**IN THE MATTER OF THE INJURY OF A MAN
WHILE BEING APPREHENDED BY MEMBERS OF THE
VANCOUVER POLICE DEPARTMENT IN
VANCOUVER, BRITISH COLUMBIA
ON JANUARY 4, 2025**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2025-006

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INTRODUCTION

On January 4, 2025, officers responded to an incident at a home on Vancouver's Eastside, in which the Affected Person ("AP") was alleged to have stabbed a family member in the head with a kitchen knife. After a stand-off in which the AP repeatedly refused to drop the knife, the Subject Officer ("SO") fired a non-lethal projectile, striking the AP in the chest and injuring 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 seven witness police officers;
- police Computer-Aided Dispatch ("CAD") and Police Records Information Management Environment ("PRIME") records;
- a video recording from an officer's body-worn camera; and
- medical evidence.

The IIO does not require officers whose actions are the subject of an investigation to provide evidence. In this case, the Subject Officer provided access to his written PRIME report. The AP has declined to be interviewed by IIO investigators.

NARRATIVE

On the evening of January 4, 2025, Vancouver police received a 911 call reporting an alleged assault at an apartment on the Eastside. The Affected Person ("AP") was alleged to have assaulted a family member with a knife, stabbing him in the head and causing serious injuries.

Responding officers found the AP sitting behind a free-standing bar height table on the far side of the kitchen. He was holding the blade of a large kitchen knife against his throat and threatening to kill himself.

Witness Officer 1 ("WO1"), who was wearing a body-worn video camera, attempted for approximately 30 minutes to de-escalate the situation, negotiating calmly with the AP in an unsuccessful attempt to have him drop the knife and surrender to police. WO1 was able on multiple occasions to get the AP to agree to put the knife down, but the AP then failed to follow through by actually doing so.

Emergency Response Team (“ERT”) members then arrived, and WO1 moved back to allow them into the kitchen entrance. Video of what happened next was blocked by the ERT members’ bodies, but WO1’s camera still recorded audio of the interaction in the kitchen.

Witness Officer 2 (“WO2”), an ERT member, told the IIO that the AP appeared to be working himself up to harming himself, breathing more and more deeply and saying he “wanted to die.” WO2 said he then saw the AP pressing the knife against his own throat. Intending to prevent the self-harm, WO2 discharged a Conducted Energy Weapon (“CEW” or “Taser”). At approximately the same time, the Subject Officer (“SO”) fired two rounds from an extended range impact weapon (an “ARWEN”), one projectile striking the AP in the chest. The AP dropped the knife, and officers then moved quickly into the room and placed the AP under arrest.

In his written PRIME report, the SO provides a detailed account of his actions and the motivations for them:

[The SO] replaced patrol resources as a less lethal operator with ARWEN. [The SO] listened to the conversation between [the AP] and the negotiator. [The AP] was telling police that he was not going to hurt other people and that he was going to put the knife down. However, what [the AP] was saying and what he was doing was [sic] incongruent. [The SO] watched [the AP] regrip the knife tighter several times and landmark it differently onto his throat. [The AP] appeared to be working up the courage to initiate his plan to drive the knife into his throat. [The AP] continued to say he was going to put down the knife as he started pushing the knife harder into his throat to the point where he had partially cut his throat. [The SO] believed [the AP] was stalling for time by saying he was going to put down the knife but was going to attempt to kill himself imminently.

After approximately 2 minutes a conductive [sic] energy weapon was deployed. [The SO] observed that this intervention was only partially effective as [the AP] still had the knife in his hand and was not fully locked up from the electric current. [The SO] deployed an ARWEN round at [the AP’s] right arm which was holding the knife where his bicep met his forearm that was set against his middle right torso. [The SO] deployed a second ARWEN round at the same location as the first did not have the desired effect to force him to drop the knife from pain compliance and shock. After the second ARWEN round was deployed the CEW that had been deployed had now caused [the AP] to lock up and [the AP] had dropped his arms below the table. [The SO] was unsure if [the AP] had dropped the knife, but this appeared to be a window of opportunity to take control of [the AP]. [The SO] moved up and grabbed [the AP’s] left arm. [The SO] at this time could see that the knife was now laying on the

ground at [the AP's feet. [The SO] ripped [the AP] away from the location of the knife and forced his arm behind his back. Another ERT member grabbed and controlled [the AP's] other arm and [The SO] was able to place [the AP] into handcuffs.

The AP was subsequently diagnosed with multiple injuries that included two fractured ribs, a small pneumothorax and a liver laceration, none of which required surgical treatment. He was also found to have a fractured thumb caused by his having punched a door before police attendance.

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 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 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 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 force by officers, the IIO investigators collect evidence with respect to potential justifications for that use of force. The CCD then analyzes this evidence using legal tests such as necessity, proportionality and reasonableness to reach conclusions as to whether officers' actions were lawful, or whether an officer may have committed the offence of assault.

Analysis of police actions in this incident was assisted greatly by the availability of the video recording obtained from an officer's body-worn camera. It was also significantly enhanced by access to the SO's duty report, which was consistent with the rest of the evidence gathered by IIO investigators and which provided valuable insight into the officer's subjective observations and evaluation.

The involved officers here were acting in the lawful execution of their duty in attempting to arrest the AP for a serious alleged assault, and in trying at the same time to prevent him from harming himself. The body-worn camera recording provides comprehensive evidence of extensive police attempts at de-escalation, and shows that the AP was not prepared to cooperate and permit himself to be taken into custody. The officer engaging verbally with the AP, although not a trained negotiator, performed her role in an exemplary manner. Calmly and patiently, she explored and applied a variety of techniques to establish rapport with the AP, and it was through no fault of hers that, unfortunately, he persisted in maintaining the physical standoff.

The level of force ultimately used by ERT members, both involving the CEW and the impact weapon, was necessary and reasonable in those circumstances, and did not amount to excessive force. There is no evidence that any significant force was used against the AP once he was disarmed and restrained.

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.



Jessica Berglund
Chief Civilian Director

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