



**IN THE MATTER OF THE INJURY OF A MAN
IN AN INCIDENT INVOLVING MEMBERS OF THE
DELTA POLICE DEPARTMENT IN
DELTA, BRITISH COLUMBIA
ON SEPTEMBER 26, 2024**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2025-100

Date of Release:

August 14, 2026

INTRODUCTION

The incident giving rise to this investigation occurred on September 26, 2024, but was not reported to the the Independent Investigations Office (“IIO”) until April 17, 2025. Following the incident, the Affected Person (“AP”) was treated for injuries caused by projectiles from a 40 mm extended-range impact weapon and a dog bite suffered during his apprehension under the *Mental Health Act*. Involved police officers were not aware that one of the injuries was sufficiently serious to meet the “serious harm” definition in the *Police Act*, so did not notify the IIO. It was the AP himself who contacted the IIO, several months after the incident, and at that point the IIO commenced an investigation.

The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

- statements of the AP, one other civilian witness and 15 witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- 911 line and police radio audio recordings;
- cell phone, security camera and police body-worn camera video recordings;
- photographs of the AP’s injuries and other medical evidence.

The IIO does not require an officer whose actions are the subject of an investigation to provide evidence. In this case, the Subject Officer (“SO”), who was designated as such based on evidence that it was his action specifically which caused the most serious injury to the AP, declined to give an account. After his initial complaint, the AP declined to make any further statement.

NARRATIVE

On April 17, 2025, the AP notified the IIO of an incident that had occurred on September 26, 2024, in which he said he had experienced a mental health crisis. The AP stated that he had been taken into custody by multiple Delta Police Department officers, who had used a Conducted Energy Weapon (“CEW” or “Taser”), 15 shots from a 40 mm extended-range impact weapon and a Police Service Dog (“PSD”) against him. The AP reported that he had suffered two broken fingers, injuries to his stomach and leg, and that he might require surgery to his left testicle.

The following narrative of the manner in which the incident progressed is drawn from the accounts of civilian witnesses and of the attending officers as well as video evidence from multiple sources.

At 5:09 p.m. on September 26, 2024, Delta police received a call complaining about a man at a gas station in Tsawwassen who was preventing a woman from entering the convenience store. Shortly afterwards, another call came in from another civilian at the same location reporting that the AP was in some sort of psychosis and was throwing things around. The caller expressed concern that the AP might hurt himself or someone else. Police subsequently received an update saying that the AP was angrily blocking the door of the store, but was not in possession of a weapon. Police dispatch contacted staff at the store and advised them to lock the door so the AP could not get in. A staff member locked the door.

Officers began to arrive on scene at about 5:22 p.m. They started attempting to communicate with the AP using Crisis Intervention and De-escalation (“CID”) techniques, but the AP did not engage with them and continued to display erratic behaviour, screaming and jumping around. Police set up containment around the area and asked for an ambulance to attend, as well as a police canine unit. At 5:27 p.m., an officer made the decision that the AP was apprehendable under the *Mental Health Act*, and this was communicated by radio to other officers at the scene.

As officers tried to communicate with the AP, telling him he was to be apprehended, he continued to ignore them, removing his shirt while jumping around and yelling. Because of the AP’s non-compliance and the potential for physical resistance during his apprehension, multiple officers deployed “less lethal” 40 mm extended-range impact weapons against him, and he was struck by approximately seven projectiles. There was no observable effect on his behaviour.

At 6:39 p.m., a canine unit arrived, and police established a plan for the AP’s arrest using a small group of officers. The AP then walked towards the officers, shouting and spraying water from a bottle. The Police Service Dog (“PSD”) handler informed the AP that he would be bitten if he did not comply, but the AP stepped forward and threw water bottles in the direction of the police. A further 40 mm extended-range impact weapon was fired and 40 mm projectile was deployed at him, but he turned quickly and started to run away. An officer discharged a CEW, but this also had no apparent effect on the AP.

As the handler deployed the PSD towards the AP, the AP tripped and fell in front of the store door. The dog engaged, biting the AP, and officers immediately moved in to take him into custody. The AP struggled briefly, but was placed in handcuffs and a leg restraint.

Officers then stayed beside the AP, placing a blanket over him and trying to calm him, telling him that an ambulance was coming.

Paramedics arrived at 7:10 p.m., quickly followed by an Advanced Life Support unit. The AP was given medical care at the hospital, and discharged the following morning. Several days later, on October 6, 2024, while the AP was at the hospital receiving a dressing change for the dog bite injuries, an imaging test disclosed damage to his testicle, apparently caused by an impact from the 40 mm projectile, requiring significant surgery. It subsequently became apparent to the AP that his injuries met the “serious harm” threshold set out in the *Police Act*, and he contacted the IIO.

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 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.

The evidence establishes that the involved officers were acting in the lawful execution of their duty in attempting to apprehend the AP under mental health legislation. Objectively, he appeared to be suffering from a mental disorder and to be acting in a manner likely to

endanger his own safety or the safety of others. Officers were justified in using a necessary and reasonable level of force to do so.

Unfortunately, the AP's aggressive non-compliance made going "hands-on" with him to bring him under control too risky to be a practical approach. The use of the 40 mm extended-range impact weapon was intended to de-escalate the situation by distracting the AP through the application of a temporary pain stimulus. Any injuries caused by the impact rounds are generally relatively minor, and that application of force was proportionate to the threat that the AP would have posed to any officer(s) trying to overpower him while in his heightened state. It is unfortunate that one of the rounds appears to have been the cause of what turned out to be a more serious injury to the AP.

In the final stage of the incident, it was also not unreasonable in these particular circumstances to deploy a PSD to ensure the AP could be safely brought under control. The evidence also shows that officers properly cared for the AP once he was in custody, and medical care was promptly summoned.

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

August 14, 2026

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