



**IN THE MATTER OF THE INJURY OF A MAN
IN AN INCIDENT INVOLVING MEMBERS OF THE
VICTORIA POLICE DEPARTMENT
AND THE GREATER VICTORIA EMERGENCY RESPONSE TEAM
IN VICTORIA, BRITISH COLUMBIA
ON AUGUST 1, 2025**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2025-193

Date of Release:

January 27, 2026

INTRODUCTION

On the afternoon of August 1, 2025, the Affected Person (“AP”) was observed sitting across from Victoria City Hall holding a rifle. As police arrived to investigate, the AP started walking across the street towards City Hall, and was ordered to drop the rifle. He failed to comply.

The Subject Officer (“SO”) fired a “less lethal” composite projectile from a weapon known as an ARWEN (“Anti-Riot Weapon, ENfield”), striking the AP in the head. The AP suffered a fractured skull.

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 six civilian witnesses and nine witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- audio recordings of 911 calls and police radio transmissions;
- civilian witness photographs and video recordings;
- security camera video recordings from scene of the incident;
- police policies and training records;
- medical evidence.

The IIO does not require officers whose actions are the subject of an investigation to provide evidence. In this case, the SO did not give any account. The AP also declined to give a statement.

NARRATIVE

At 3:48 p.m. on August 1, 2025, Victoria police started receiving 911 calls reporting a man (the AP) sitting on the sidewalk on Pandora Street, across from City Hall. Civilian witnesses expressed concern because the man was loading what appeared to be a rifle. The callers said that the rifle might be a pellet gun, but they could not be sure. In the

course of the subsequent IIO investigation, investigators received photographs taken at the time by a civilian witness. While the rifle was determined, after the incident, to be a spring-powered BB gun, it closely resembled a fully-functional firearm:



Because of the serious nature of the reports, members of the Greater Victoria Emergency Response Team (“GVERT”) responded, as well as general duty Victoria officers. Police considered the AP arrestable for the offence of possession of a weapon for a dangerous purpose. Team members formulated plans to apprehend him while minimizing danger to the public, as the incident was unfolding in a high-traffic area of downtown Victoria. The IIO does not publicize in its reports the details of specialized police tactics. In this case, it is sufficient to note that ERT members were able to maintain covert observation of the AP while preparing to deploy appropriate resources to take him into custody.

At 3:59 p.m., the AP stood up with the rifle in his left hand and began to walk directly towards the main entrance of City Hall. Officers later told the IIO that he walked out into the street “as if vehicles never drove down that road,” without looking to see if it was safe to cross. Police immediately moved towards him, announcing, “It’s the police, you’re under arrest, drop the gun.” The AP did not respond in any way, but kept walking, the gun cradled under his left arm.

Civilian Witness 1 (“CW1”), who was driving westbound on Pandora Avenue, later told IIO investigators that she saw the AP moving diagonally across the street towards the entrance of City Hall, carrying a black bag and what appeared to be a gun “sticking out”

from under his arm. CW1 said the AP was moving quickly and purposefully. She then heard yelling from police officers on her right side, but the AP did not change his pace or stop. The gun, she said, was still pointing out ahead of him.

Witness Officer 1 (“WO1”), a GVERT member, told IIO investigators that he heard the SO discharge his ARWEN, and saw the projectile fly towards the AP. WO1 said the round was heading towards the AP’s “centre mass,” but at the same moment, the AP dipped or leaned forward, and the round struck him in the right side of his head.

Witness Officer 2 (“WO2”) told the IIO that he saw the ARWEN projectile strike the AP in the head just as the AP was stepping down off the raised concrete divider separating the bike lanes from the main section of the street.

The incident was captured on rather poor quality video by a nearby security camera. On the video recording, the AP appears to bend forward at the moment he is hit by the ARWEN round, and then falls to the ground. In cellphone video recorded by a civilian bystander from a significant distance, across Douglas Street, it appears that the AP bends in the direction of the advancing officers, apparently putting the black bag down on the ground.

Officers quickly moved in and placed the AP in handcuffs, and then began administering first aid for his injury. Taking the AP’s rifle off to the side, an officer discovered that it was a realistic-looking replica hunting rifle designed to fire plastic pellets.

The AP was subsequently diagnosed with a right-side depressed skull fracture and underlying hemorrhage. His damaged skull, after the removal of bone fragments, was repaired with a metal plate.

Asked by IIO investigators about police training and policies related to ARWEN use, WO1 said that the weapon is designed to create a “compliance window, based off of pain and motor dysfunction.” WO1 stated that if the SO’s ARWEN deployment had not been successful in stopping the AP, WO1 would have felt it necessary to use lethal force against the AP.

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 an officer or detention guard. 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.

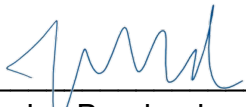
In a smaller number of cases, the evidence gathered may give the Chief Civilian Director ("CCD") reasonable grounds to believe that an officer or detention guard has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown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

In a case such as this one, involving the use of force by an officer, 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 the officer's actions were lawful, or whether the officer may have committed the offence of assault.

The responding officers in this case were faced with a situation in which a man armed with what appeared to be a lethal weapon was purposefully approaching the entrance of the city's municipal administration building, on a street that was busy with wheeled and pedestrian traffic. It was fortunate that a force option like the ARWEN was available to them and was able to project disabling force at a distance.

In the circumstances, the SO's use of force against the AP was necessary and reasonable. The witness and video evidence demonstrates that the AP bent forward towards the approaching officers at the moment the ARWEN shot was fired, so that his head moved in front of his torso. While this was unfortunate, causing the AP to be injured more severely than he likely would have been from a "centre of mass" strike, it was not reasonably foreseeable by the SO.

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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