



**IN THE MATTER OF THE INJURY OF A MAN
WHILE BEING APPREHENDED BY MEMBERS OF THE
VICTORIA POLICE DEPARTMENT IN
ESQUIMALT, BRITISH COLUMBIA
ON OCTOBER 9, 2025**

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

Chief Civilian Director: Jessica Berglund

IIO File Number: 2025-234

Date of Release: May 6, 2026

INTRODUCTION

At about 4:40 p.m. on October 9, 2025, Victoria police responded to a 911 call reporting that the Affected Person (“AP”) had threatened a person with an axe. During the AP’s subsequent arrest, an officer discharged non-lethal rounds at him, and he was bitten on the hand by a Police Service Dog (“PSD”) under the control of the Subject Officer (“SO”). Because the AP was found to have been seriously 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, four civilian witnesses and six witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- audio recordings of 911 line and police radio transmissions;
- police policies and provincial standards;
- police training records; 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 has not given an account.

NARRATIVE

Civilian Witness 1 (“CW1”) told police investigators that on the afternoon of October 9, 2025, his son complained to him that he had been threatened by the Affected Person (“AP”) while delivering newspapers. CW1 said that when he went to the AP’s house, the AP came to the door with an axe and chased him away. CW1 went to his car, parked outside in the street, and called 911. CW1 told the call-taker that “just a few moments ago,” a man had “come at” him with an axe and had “swung” it at him. CW1 had not been injured. He was directed to drive to a location about a block away to meet with responding police.

Police officers, including Greater Victoria Emergency Response Team (“GVERT”) members and the Subject Officer (“SO”) with his Police Service Dog (“PSD”) attended and set up containment around the AP’s home.

Seeing the AP and another man in the back yard, Witness Officer 1 (“WO1”) called out to the AP, telling him he was under arrest for assault with a weapon and telling him to come to the front of the property. WO1 said the AP replied that he was not under arrest and went into the house, slamming the door behind him.

Witness Officer 2 (“WO2”) told the IIO that she was trained as a negotiator, so when she saw that the AP was going in and out of a side door, she attempted to communicate with him from her position on the other side of a wooden fence.

Witness Officer 3 (“WO3”) said she was told that the AP had expressed a desire to hurt or kill police, and that he had prepared “Molotov cocktails” and squeeze-bottles full of gasoline to squirt at them. WO3 broadcast this information to the other officers surrounding the house.

WO2 told IIO investigators that the AP asked to talk to her face to face, but WO1 radioed that she had seen something resembling a metal pipe in each of the AP’s hands, and advised that no officer should approach him, so WO2 remained outside the fence.

At about 5:30 p.m., the AP came out in front of his house, appearing to surrender. When he was told again by WO2 that he was under arrest, though, he raised his fists, saying he was ready to fight the police. WO2 warned him that he would be bitten by the PSD if he continued to threaten the officers. She said the AP’s response to the warning was to “lunge” towards the SO and the dog.

At that point, Witness Officer 4 (“WO4”) discharged a round from an Extended Range Impact Weapon, also known as an “ARWEN,” which struck the AP in the upper thigh but did not stop his run towards the SO. The SO deployed the dog, which bit the AP in his left hand as he approached. Seeing that the AP was now punching the PSD in the head with his right hand, WO4 fired a second ARWEN round, striking the AP in the buttock. There was still no apparent effect on the AP, but the SO, with the assistance of WO2 and Witness Officer 5 (“WO5”), was now able to take the AP to the ground. Once officers had control of the AP’s arms, the PSD was removed and the AP was handcuffed.

Police medic Witness Officer 6 (“WO6”) immediately provided first aid for the AP’s hand, which was bleeding profusely. Already under arrest, the AP was also apprehended under the *Mental Health Act* and was transported to the hospital for his injury to be treated.

On October 21, 2025, the AP was interviewed about the incident by IIO investigators. He acknowledged having threatened to “punch out” CW1’s son and having then chased CW1 with an axe because, he said, he was protecting his property. The AP said that he was putting his hands behind his back to surrender when the PSD attacked him. At the same time, he said, he was shot in the legs with a “bean bag gun.”

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.

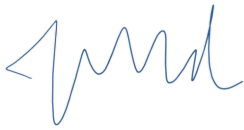
In a smaller number of cases, the evidence gathered may give the Chief Civilian Director (“CCD”) reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to the BC Prosecution Service (“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.

As noted above, in the AP’s account he was in the process of surrendering to police when both the SO and WO4 deployed weapons against him without justification. On the totality of the evidence, however, it appears likely that the officers’ actions were in response to the behaviour of the AP, who had already exhibited significant aggressive tendencies. The fact that he was bitten on the hand by the dog suggests that he was not, as he asserted, putting his hands behind his back at the time.

The officers' knowledge of the AP's earlier assaultive acts, of his threats to harm police and his alleged preparation to carry out those threats made it reasonable for them to consider any non-compliance on his part as at least an imminent threat of grievous bodily harm. In the circumstances, their application of force was justified as necessary and reasonable. The evidence is that no unnecessary force was used against the AP once he was restrained, and that medical attention was provided to him promptly.

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

May 6, 2026
Date of Release