

ORDER FOR EXTERNAL INVESTIGATION

Pursuant to s. 55(3); s.55.1(b) and s.55.1(2) of the *Police Act* RSBC 1996, c.367

OPCC File No. 2474
Date: August 5th, 2004

TO: Chief Constable Jamie GRAHAM, (Discipline
Authority) Vancouver Police
Department

AND TO: Chief Constable Paul BATTERSHILL, (External Investigation
Authority) Victoria Police Department

WHEREAS the Police Complaint Commissioner has become aware of an incident that occurred in the City of Vancouver on the 23rd day of June 2004 at which time an unidentified member of the Vancouver Police Department was involved with Robert Bagnell in circumstances where the police officer deemed it necessary to use a TASER in order to subdue Mr. Bagnell;

AND WHEREAS the Police Complaint Commissioner has been advised that Mr. Bagnell died at the scene while still in police custody shortly after the use of the TASER on his person;

AND WHEREAS the Police Complaint Commissioner may order an investigation into the conduct of a municipal constable whether or not a record of complaint has been lodged;

AND WHEREAS there are some concerns regarding delays in disclosure to the family, media and public which have created an adverse perception of the ability of the VPD to conduct an impartial investigation;

AND FURTHER WHEREAS there appears to be emerging significant concerns regarding the possible lethality of TASERS when used by police;

AND FURTHER WHEREAS the Police Complaint Commissioner considers that in the

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unique circumstances of this case it is in the public interest to order an external investigation;

NOW THEREFORE it is ordered that Jamie Graham, Chief Constable of the Vancouver Police Department refer the investigation of this incident under the *Police Act* to Chief Constable Paul Battershill of the Victoria Police Department to act as the Chief External Investigator.

IT IS FURTHER ORDERED that Chief Constable Battershill may, if he chooses, utilize the services of such members as he deems necessary of all other municipal police forces in the Province of British Columbia and such members of the Provincial Police Force (the RCMP) as are made available to him with the consent and cooperation of other municipal Chief Constables and the Commissioner of the RCMP.

IN ADDITION to thoroughly investigating the aforementioned incident, Chief Constable Battershill is requested to review the present use of force protocol and make such interim recommendations as he deems appropriate for the use of the TASER by police officers in the Province of British Columbia pending the results of emerging studies presently underway.

DATED this 5th day of August, 2004, at the City of Victoria, Province of British Columbia.

Dirk Ryneveld, Q.C.

Police Complaint Commissioner

*Original document on file with the
Office of the Police Complaint Commissioner*