



**IN THE MATTER OF THE INJURY OF A MALE
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP
IN THE CITY OF KAMLOOPS, BRITISH COLUMBIA
ON DECEMBER 19, 2020**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2020-312

Date of Release:

February 10, 2021

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INTRODUCTION

On the evening of December 19, 2020, police responded to a 911 call about a shoplifter at a liquor store in Kamloops. The Affected Person ('AP') took a bottle and ran into a storage room at the rear of the premises. Confronted by police officers, AP smashed the bottle and threatened the officers. Despite several deployments by the officers of their Conducted Energy Weapons ('CEWs'), AP repeatedly cut and stabbed himself with the broken bottle neck, and was 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 from a civilian witness and two witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- Closed-Circuit Television ('CCTV') recordings and civilian cell phone video; and
- medical records.

NARRATIVE

At about 8:40 p.m. on December 19, 2020, RCMP received a 911 call about a suspected shoplifter at a liquor store in Kamloops. Civilian Witness 1 ('CW1'), a store employee, had locked the suspect (AP) in the store and was awaiting police arrival. The entire incident was captured on security camera video, with additional cell phone video evidence provided by a civilian witness outside the store, as well as corroborating accounts from CW1 and witness police officers.

AP was in the liquor store for several minutes before being confronted by CW1, who then locked the front door and called the police. After about four minutes, the first responding officer arrived. AP grabbed a liquor bottle, holding it by the neck, and ran into a back room, followed by the officer. AP opened the back door and was confronted by two other police officers. AP stopped and smashed the bottle on the ground, raising the the broken bottle neck in his hand toward the officers.

One of the officers fired his CEW at AP, who fell back onto the floor and started to jab the broken bottle against his own throat. If the CEW had any effect on AP it was shortlived. He again stood up with the bottle. More officers arrived and for several minutes they attempted to subdue AP using a total of thirteen CEW deployments, but AP was wearing heavy clothing and the CEWs were not sufficiently effective. On a civilian cell phone video recorded from outside the store, officers can be heard pleading with AP to "put the bottle

down”, and telling him “we want to help you”. They were not able to approach and overpower AP because of his continued threatening gestures with the broken bottle.

AP repeatedly cut and stabbed himself until finally dropping the bottle neck and falling to the floor. Officers then moved in and immediately applied pressure to AP’s wounds to control extensive bleeding from his self-inflicted wounds. An ambulance had already been called to attend, and paramedics attended to AP very soon after he was taken into custody.

LEGAL ISSUES AND CONCLUSION

The purpose of any IIO investigation is to determine whether there are reasonable grounds to believe that an officer, through an action or inaction, may have committed any offence in relation to an incident resulting in serious harm or death.

The officers were acting in execution of their duty in attending at the store to arrest AP for theft and/or mischief offences, and were entitled to use necessary and reasonable force to apprehend him. When he armed himself with a potentially deadly weapon, their justification in that regard was significantly amplified, and the need to subdue and detain him became more urgent still when he began to harm himself. The use of CEWs in that context was both justified and proportionate. No other force was used against AP.

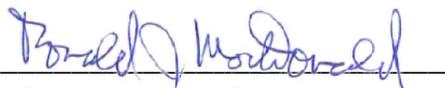
While in this case the significant number of CEW deployments against AP raises questions, the circumstances left the attending officers with little choice in how to deal with AP, who was clearly determined to prevent them from apprehending him, and to do himself harm. He was armed with a weapon proven to be capable of inflicting serious injury on the officers if they approached within reach. Their only practicable use of force option was the CEW. It is unfortunate that they were thwarted in that regard by the fact that AP was wearing clothing the CEW probes were not able to pierce effectively.

It should be noted that it would not have been prudent for officers to rush AP and attempt to overpower him. Doing so would have created a serious risk of being injured from the broken bottle in AP’s hand. A police officer cannot be expected to place himself at such a risk of harm. Indeed, had that occurred, and an officer were to have been seriously wounded, it may have led to other officers being required to use deadly force to prevent further harm to an officer. The course chosen by the officers in this case was the correct one.

It might also be noted that the officers in this case did not have available to them a 40mm 'less-lethal' firearm, due to limited resources. This intermediate weapon fires non-lethal sponge projectiles that could distract or incapacitate AP temporarily. It is not intended or likely to cause serious injury or death and usually presents an opportunity for officers to close in and effect an arrest with a reduced risk of harm to the AP and officers. While it cannot be stated that the 40mm would actually have been used, its presence provides an additional option for the officers as they attempt to resolve matters safely.

In the final analysis, the officers did everything they reasonably could in the circumstances, with their focus clearly and properly on minimizing the harm AP was causing to himself, and limiting the risk to themselves. As soon as they were able, they very promptly gave first aid to AP, which quite likely saved his life.

Accordingly, as the 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 therefore the matter will not be referred to Crown counsel for consideration of charges.



Ronald J. MacDonald, Q.C.
Chief Civilian Director

February 10, 2021

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