



Serious Incident Response Team

Decision of the Civilian Director
SIRT-NL File No. 2021-010

Michael NR King
Director
November 9, 2021

Introduction

On June 11, 2021, the Royal Canadian Mounted Police (RCMP) notified the Serious Incident Response Team (SIRT-NL) of a serious incident involving several of its members in Grand Falls-Windsor, NL. The RCMP had received a call regarding an individual in mental distress and in possession of a firearm. Upon locating the individual in a vehicle, the officers initiated a pursuit, which ended when the individual swerved off the road, sustaining injuries.

Mandate

SIRT-NL is a civilian led oversight agency that conducts its own investigations into serious incidents. Serious incidents within this context are those involving serious injury, death, sexual offence, domestic violence or any matter of significant public interest arising from the actions of a police officer in Newfoundland and Labrador. As noted, the within matter involves a police pursuit of a vehicle which ended in the operator of that vehicle sustaining serious injury. For that reason, the matter falls under SIRT-NL mandate. Consequently, I directed a SIRT-NL investigation into the incident.

Investigative Timeline

The SIRT-NL investigation began immediately upon the RCMP notification to SIRT-NL on June 11, 2021 and concluded on October 22, 2021.

Facts and Investigation

I have substituted “AP” (affected person) for the name of the individual involved in the incident. In addition, I have substituted “WO#” (witness officer #) for the names of the police officers involved and “W#” (witness #) for the names of the civilian witnesses involved.

The SIRT-NL investigative team consisted of two investigators. The strategy for the investigation was a traditional one, focusing on interviews and corroborating evidence. During the course of the investigation, the following steps were taken:

- AP was interviewed.
- Statements were taken from all seven RCMP officers involved.
- Statements were taken from six civilian witnesses, including the family and friends of AP.

- A Collision Reconstructionist was tasked to examine the scene of the accident and provide a report on his observations.
- SIRT-NL investigators obtained, from the RCMP, the occurrence report in relation to the incident, the Operational Communications Centre log, audio recordings and the RCMP policies on pursuit.

The Affected Person

The SIRT-NL lead investigator met with AP to obtain a statement regarding the incident. AP indicated he did not remember anything about the accident. He was told by his doctor this is likely the result of a brain bleed and he may never remember the events of that day.

Civilian Witnesses

Witness 1

W1 is AP's wife. She stated AP has been sick for a long time and has a drinking problem. The night before the incident, they were at their cabin and AP started drinking. He looked manic and his eyes were hazy. The following morning, he got up, was staggering and was in a daze. He said he was sick of living. He laid down for a while and woke up again in a manic phase. He then left in his car. Later, AP called W1 and said "[W1]...goodbye". She could hear the clicking of a rifle. She got in her car and headed home to Grand Falls. She called several people and asked them to look for AP. She also called the RCMP. Later, her sister, W2, called her to tell her AP had a rifle. W2 had learned this from her husband, W3. W1 was also on the phone with other family members, obtaining updates from them. W1 then went to Sandy Brook Bridge, where AP had been located. Some family members were already at the bridge. W1 did not witness the crash nor did she see what the officers were doing. She believed AP would have been dead if the police had not intervened.

Police Witnesses

Witness Officer 1

WO1 stated he was on patrol in Grand Falls with WO2 in an unmarked vehicle when a complaint was dispatched to WO3. The complainant, W1, stated her husband, AP, had been drinking and was not in a good state of mind. He was somewhere on Sandy Resource Road near Goodyear's Dam. Being the closest to that location, WO1 and WO2 proceeded to locate AP. While looking for him, they met with W4 and spoke with

him. W4 stated he had located AP but AP fled before he could be stopped. W4 also informed the two officers AP had a rifle with him. WO1 and WO2 then continued searching for AP. WO1 felt they needed to find AP to apprehend him without injury to him, the police or the public. They located AP's vehicle on West Lake Road. They parked the unmarked police car and approached AP's vehicle on foot while remaining hidden from view. WO1 stated he could hear music but could not see if anyone was inside the car. He then saw a male exiting the vehicle and holding a rifle. A few minutes later, the individual reentered the vehicle and drove toward Sandy Resource Road. WO1 passed along the information on the police radio to four other responding officers and to WO3 who was back at police headquarters. WO1 and WO2 then proceeded to follow AP. The other officers, WO4, WO5, WO6 and WO7, who were in three marked police vehicles, had set up a roadblock at the intersection of West Lake Road and Sandy Resource Road to stop AP from travelling back to Grand Falls. Once AP arrived near the roadblock, he stopped his vehicle. At that point, WO1 attempted to communicate with AP by providing basic commands. AP did not react and remained in his vehicle. He continued moving forward and breached the roadblock. All police vehicles then began pursuing AP, with WO1 and WO2 immediately behind AP in the unmarked vehicle with the emergency equipment activated. AP continued travelling back toward Grand Falls at a speed of approximately 100-120 km/h on Sandy Resource Road, a gravel road. Just before the bridge, which was blocked by an unattended marked police vehicle, AP's vehicle crashed in a ditch. WO1 could not see anyone inside the vehicle and did not know where AP was and what his condition was. Members of the family were at the bridge, witnessed the crash and were frantic. Given that AP was in possession of a rifle, the officers initially set up a containment and then WO1 approached the vehicle from the rear and saw AP laying inside, unconscious but breathing. There was a rifle inside the vehicle. WO1 secured the rifle, ejected ammunition in the chamber and began assessing AP's condition and provided first aid until the ambulance arrived.

WO3

WO3 is the Grand Falls-Windsor Detachment Commander. He was monitoring the police radio from his office when he heard the report of a suicidal male. He stated the suspect's wife called to report her husband had mental health issues and a firearm may be involved. As a trained critical incident commander, WO3 took charge of the situation. The first officers at the scene were WO1 and WO2. Other officers were attending the scene and setting up containment. In addition, WO3 instructed WO7 to block the Sandy Brook Bridge with a marked unit, barring the way to Grand Falls as a second containment. WO3 indicated the need to secure the area, where many cabins were located. He was also concerned about the safety of the suspect and the risks to the officers and the public. Once he learned AP had breached the roadblock, he transitioned to the role of pursuit supervisor and monitored the pursuit, ensuring the

bridge was blocked and could not be breached. The pursuit was necessary to apprehend AP for public safety reasons.

As noted, SIRT-NL investigators also interviewed several other civilian and police witnesses. These witnesses corroborate the accounts discussed above. It is therefore not necessary, for the purposes of this report, to discuss them in detail.

Collision Reconstruction Report

SIRT-NL tasked an RCMP Collision Reconstructionist to process the scene of the accident and provide a report. Normally, to preserve the independence of the investigation, SIRT-NL would have tasked a Reconstructionist from an organization outside the RCMP. In this particular circumstance, we were dealing with a scene that was exposed to the elements and we were concerned evidence would be lost if there was a delay in the examination. Due to the geographic location of the incident, it would have taken several hours for a Reconstructionist from an outside agency to attend. Consequently, the decision was made to task a nearby RCMP Reconstructionist.

The Reconstructionist attended the scene and examined the evidence gathered, including an Airbag Control Module in AP's vehicle that can be imaged to access pre-crash data. The Reconstructionist concluded that:

- Prior to the crash, AP's vehicle was travelling east on Sandy Resource Road. The vehicle moved to the left into the oncoming portion of the gravel road. It then continued into the ditch where it rotated clockwise before coming to a final rest facing west.
- The speed of the vehicle 5 seconds before the crash was 109 km/h.
- The driver of the vehicle was not wearing a seatbelt.

RCMP Policies on Pursuits

SIRT-NL investigators obtained the RCMP pursuit policy. While agency policy is not determinative – as the policy itself may be flawed – it is helpful in this case as it provides appropriate guidance as to how pursuits should be conducted.

In this case, it appears from the evidence, the officers followed policy. They conducted the appropriate risk assessment, taking into account the seriousness of the situation and the necessity for immediate arrest due to the potential danger to AP, the officers and the public. A pursuit supervisor monitored the pursuit. The officers used pre-emptive tactics by setting up containments and attempting to communicate with AP.

The officers did deviate somewhat from the policy in that the pursuit was led by an unmarked vehicle; however, this can be justified by the exigent circumstances that existed at the time. Moreover, there is no evidence to suggest this contributed to the cause of the crash. In addition, the vehicle's emergency equipment was activated.

Issues and Conclusion

The issue for SIRT-NL's consideration is whether there are grounds to believe an officer committed an offence in relation to the incident that led to AP's injuries.

It is worth noting that AP has not made any complaint or allegation in relation to this matter.

It appears from the evidence the RCMP officers, in initiating the pursuit, were properly considering all the information available at the time. AP reportedly had mental health issues and was in possession of a firearm. They were in an area populated by cabin owners. The officers believed AP posed a significant risk to himself, the officers and the public. This outweighed the risk posed by the pursuit itself. The officers' actions in this case were reasonable and justified.

After the crash occurred, the officers did not approach the vehicle immediately, but were cautious to establish it was safe to do so before attending to AP. This was appropriate in the circumstances. AP was reported to be suicidal and was in possession of a firearm. Immediately after the crash, the officers did not know whether AP was conscious or even injured. It would have been reckless for the officers to rush to the vehicle, potentially putting their own lives at risk.

In conclusion, as the civilian director of SIRT-NL, I do not consider there are reasonable grounds to believe any of the RCMP officers involved in the subject incident committed an offence. Accordingly, no charges will be laid.

SIRT-NL recognizes the serious nature of these cases and is available to provide assistance by explaining our role, process and findings to AP.

Final Report prepared by:

Michael NR King, Director
Serious Incident Response Team - Newfoundland and Labrador
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