



**IN THE MATTER OF THE INJURY OF A MAN
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP
IN LADYSMITH, BRITISH COLUMBIA
ON APRIL 17, 2021**

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

Chief Civilian Director: Jessica Berglund

IIO File Number: 2021-097

Date of Release: March 4, 2026

INTRODUCTION

On April 17, 2021, an attempted traffic stop on Highway 1 in Ladysmith led to a collision between a police vehicle and a minivan driven by the Affected Person (“AP”). The AP was arrested with the assistance of a Police Service Dog (“PSD”) and suffered a serious injury to his leg.

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 one paramedic and two witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- audio recordings of police radio transmissions;
- video recording from police vehicle Watchguard dash camera;
- collision reconstruction report;
- vehicle data downloads and mechanical inspection reports;
- scene and vehicle photographs; and
- medical evidence.

No evidence is available either from the Subject Officer (“SO”) or from the AP. The IIO does not require officers whose actions are the subject of an investigation to provide evidence. In this case, the SO has not given any explanation for his role in the incident. Although IIO investigators were able to speak with the AP during his hospital stay, he has not given an account of the events despite extensive attempts by investigators to locate and interview him.

NARRATIVE

In the late evening of April 17, 2021, the Subject Officer (“SO”) saw a white Pontiac Montana van bearing a stolen licence plate and began following it in his unmarked Police Dog Services (“PDS”) truck southbound from the Nanaimo area towards Ladysmith. The SO called for assistance from Ladysmith RCMP and two officers, Witness Officer 1

("WO1") and Witness Officer 2 ("WO2"), responded in separate police vehicles. The officers believed they were familiar with the vehicle from previous occasions when it had failed to stop for police, but at this point there was no confirmed identification of the driver.

As the Montana, followed by the SO, passed the position where WO1 and WO2 were waiting, the two witness officers pulled out to follow. The SO and WO1 activated their emergency equipment, but rather than pulling over, the Montana increased speed.

WO1 then passed both the SO and the AP in the left lane and pulled in front of the AP, slowing in an attempt to bring him to a stop. Dash camera video obtained from WO2's police vehicle shows forceful manoeuvres between the Montana and the police vehicles of WO1 and the SO, leading to an impact between the SO's vehicle and the rear passenger side of the Montana, which also made contact with the rear of WO1's vehicle. The minivan skidded through 180 degrees and hit the concrete barrier at the side of the highway, with the front of the vehicle now facing against the direction of travel. It was then pinned in place between the SO's and WO1's police vehicles.

The AP tried to force his way out from where the Montana was pinned by driving the minivan against the police vehicles. WO1 was concerned about the growing risk to other traffic on the road and approached the Montana, intending to place the AP under arrest, but found the passenger door was locked. He used his baton to break the window and opened the door.

Without an account from either the SO or the AP, it is difficult to understand the sequence of events that followed. The SO, a dog handler, had exited his police vehicle and had brought his PSD out onto the roadway. The PSD was not leashed, and the SO was holding the dog directly by its harness. The dog was visibly excited, and at first bit WO1 on the buttock before entering the Montana, taking hold of the AP's right arm and dragging him out of the vehicle. During the AP's subsequent arrest and handcuffing by the WO1 and WO2, the PSD then released the AP's arm and bit him on his left leg.

The SO sent WO2 to bring a leash for the dog. WO1 said that this delay resulted in the PSD remaining on the AP's leg for "two or three minutes" as he lay on the asphalt, until the SO removed the PSD from the AP and returned it to the police vehicle. WO2 said that throughout this time, the SO was "shouting and pulling" at the dog.

Medical assistance was summoned for the AP, and he was transported to the hospital, where he required surgical treatment for serious dog bite injuries.

ANALYSIS

The Independent Investigations Office of British Columbia (“IIO”) 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 this case, providing the public with an explanation of the events that led to the AP’s serious injury is challenging. As noted earlier, the lack of evidence from either the SO or the AP make it difficult to understand with any certainty the mechanics of the vehicle collision or of the AP’s subsequent arrest.

Police policy and regulations generally require an officer attempting a traffic stop to discontinue the attempt if the suspect driver refuses to stop and speeds away. That is not what happened here, although WO1’s action in overtaking the AP’s minivan and braking in front of it does not amount to an offence.

Without a statement from the SO, it is not possible to establish whether the collision between his police vehicle and the minivan was accidental or a deliberate ramming, which would have amounted to the use of a high level of force relative to the circumstances. What is clear, though, is that the AP’s decision to attempt to swerve around WO1 and flee led to multiple vehicle contacts and resulting loss of control of the Montana.

Similarly, the lack of a statement from the AP makes it difficult to understand his continued efforts to escape despite his vehicle being pinned against the barrier. As with the driving mishaps, this behaviour only escalated the situation further, culminating in the prolonged and perhaps unnecessary continued application of the PSD by the SO which resulted in the serious injury to the AP’s leg.

This file was initially referred to the BC Prosecution Service for consideration of charges, but it was withdrawn after further investigative steps, consultation and analysis were undertaken. This included consideration of additional evidence related to officer training.

The significant evidentiary gaps that remain preclude a conclusion that any of the involved officers acted unlawfully.

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 BC Prosecution Service for consideration of charges.



Jessica Berglund
Chief Civilian Director

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