



**IN THE MATTER OF THE DEATH OF A MAN
WHILE IN THE CUSTODY OF MEMBERS OF THE ABBOTSFORD
POLICE DEPARTMENT IN MISSION, BRITISH COLUMBIA
ON FEBRUARY 9, 2025**

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

Chief Civilian Director:

Jessica Berglund

IIO File Number:

2025-037

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INTRODUCTION

On February 9, 2025, Abbotsford Police Department members were following a pickup truck they believed was stolen. When it stopped outside a fast-food restaurant in Mission, officers approached the truck and took the Affected Person (“AP”) into custody after a brief struggle. A short time later, the AP became unresponsive in the back seat of a police vehicle and attempts were made to revive him. He was subsequently declared deceased.

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 four civilian witnesses, three first responders and ten witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- data downloads from police vehicles;
- audio recordings of police radio transmissions;
- video recordings from security cameras at commercial premises;
- scene photographs;
- autopsy and toxicology reports.

The IIO does not require an officer whose actions are the subject of an investigation to provide evidence. In this case, the subject officer has not given an account.

NARRATIVE

At about 1:45 p.m. on February 9, 2025, the Subject Officer (“SO”) radioed that he was following a small red pickup truck (“the truck”) along Highway 11 from Abbotsford towards Mission. The truck was a 2005 Mazda belonging to and driven by the Affected Person (“AP”). He was driving at normal speeds. The SO identified the AP’s truck as a Ford Ranger, and thought it might be stolen, as he said he recalled a stolen vehicle “hot sheet” which listed a similar vehicle (the vehicle listed on the hot sheet was actually a 1990 Mazda). The SO asked for radio priority and for the “Air One” police patrol aircraft, which he was told was not available. As he drove, he twice asked for permission to “pin” the truck at points along the highway, and when Witness Officer 1 (“WO1”), who had joined

the surveillance of the AP in his own police vehicle, reported seeing the AP's passenger throw some small, coin-sized items, which were referred to by the SO over the radio as drugs, out the vehicle window.

The shift supervisor at the time was Witness Officer 2 ("WO2"). Interviewed later by the IIO, he recalled receiving a radio report from the SO that he was following a red Ford Ranger carrying a bent licence plate that was partially obscured. The SO announced that he was following the red truck from Abbotsford toward Mission at regular speeds.

WO2 said he was then told the suspect vehicle had pulled in at a plaza and gave the SO permission to box it in if it was safe to do so. WO2 said he then heard calls saying the driver was fighting, and then that he was in custody and that pepper spray had been used.

Upon arrival at the scene, WO2 said, he found the suspect truck, boxed against a wall by WO1's police vehicle. WO1 was trying to get the handcuffed AP into a police car. WO2 said the AP was resisting and yelling that he was "having difficulty breathing." WO2 said it appeared to him that the AP could breathe "fine", but he told WO1 to open the police vehicle's rear window anyway.

WO2 said he checked on the AP two or three times over the next few minutes and saw that he appeared to be breathing. He had called for an ambulance to attend. He said that as it was pulling in, an officer went to check the AP and found him unresponsive. The AP was taken out of the police vehicle and laid on the ground for paramedics to give him medical attention.

Civilian Witness 1 ("CW1"), who had been riding in the red truck with the AP, told IIO investigators that when they pulled in at the plaza, a police vehicle "rammed" into the rear of the truck. He said the AP got out and asked what the officers wanted. He stated that the officers had pistols in their hands and told the AP to "freeze." CW1 said that the AP was cooperating, but "had a bit of a mouth on him." He said the AP refused to get on the ground, as he had bad hips.

CW1 said he then heard a thump and saw that the AP was on the ground, asking, "Why did you kick me?" CW1 said he saw pepper spray being used and said that multiple officers were then kicking the AP for "about a minute." As the officers picked the AP up and "threw" him in the back of a police car, CW1 said, the AP was saying, "Help, I can't breathe." CW1 stated that the AP was left in the back of the police vehicle for 10 to 15 minutes with the windows closed.

Civilian Witness 2 ("CW2"), who watched the incident from nearby, later told the IIO that the officers told the AP to "step out" of the truck. CW2 said the AP started to become "a bit offensive," so the officers opened the door and "sort of" pulled him out. CW2 said that when the AP was told he was under arrest, "all hell broke loose." He said the AP did not

want to be put in handcuffs, and “started getting quite a bit violent with them,” resisting “pretty bad.” CW2 said it took four officers to get the AP down on the ground but added that they did not “overly” use force. In particular, he said there were no kicks or punches.

CW2 said that as police stood the AP up and put him in a police car, he was screaming at them and continued screaming for about 10 minutes before going quiet. CW2 said officers then pulled the AP out onto the ground and began to give him CPR.

WO2 later told the IIO that his authority for stopping the AP’s truck was the partially obstructed rear plate. He said that he went to the driver’s window and told the AP to roll it down, but saw the AP shake his head “no.” WO2 said that as he went back towards his police vehicle, he heard another officer order the AP to get out of the truck. WO2 said the AP got out, shouting “things along the line of ‘F**k you guys, what the f**k’s going on?’” WO2 said the AP started walking towards him, the SO and Witness Officer 3 (“WO3”), who had also arrived. WO2 described the AP as having clenched fists and yelling profanities at the officers.

After being ordered to stop, and to put his hands up and turn around, the AP complied. WO2 said that when he was told to get down on his hands and knees, he only knelt, and said, “F**k you guys.” WO2 said the SO approached the AP and “pushed” him to the ground with his foot.

A struggle then began on the ground. WO2 acknowledged delivering two knee strikes to the AP’s torso and one to his head, without apparent effect. At one point, WO2 said, he became aware from the smell that another officer had deployed pepper spray, and he was then able to get the AP into handcuffs. He said he raised the AP to his feet and pushed him into the back of a police vehicle. WO2 said he rolled down the rear window and explained to the AP that he would be getting assistance for him because of the effects of the spray.

WO2 said that he checked on the AP twice. Each time, he said, the AP was staring straight ahead and breathing but did not respond verbally. The third time he checked, he said, he saw that the AP’s eyes were closed and his chest was not moving. The ambulance had just arrived. The AP was removed from the police vehicle and laid on the ground, uncuffed. WO2 said he assisted briefly with CPR and paramedics then took over.

WO3 told IIO investigators that when he arrived on the scene, he approached the red truck with his pistol in his hand. He understood that the truck was suspected as having been stolen and possibly involved with drugs.

WO3 said that the AP was “immediately angry” as he exited the truck. He said he directed the AP to get down on his hands and knees, which he did, still swearing at police. He said he then told the AP to go all the way down onto his stomach, but the AP told him to “f**k

off.” WO3 said he saw the SO deliver a “push kick” to the AP’s back, and the SO and WO1 then grabbed the AP’s arms to apply handcuffs. Because the AP continued to resist, WO3 said, he delivered two knee strikes to the AP’s ribs and sprayed the AP in the face with pepper spray, which caused him to stop struggling.

WO3 said that as he was dealing with the passengers in the AP’s truck (there was a female passenger in the rear seat, whom police had not previously noticed), he heard a “commotion” caused by the AP resisting being placed in the back of a police vehicle, pulling away and swearing at officers. WO3 said he subsequently saw the AP being taken, unresponsive, from the police vehicle and being transported away from the scene by ambulance. He said he learned later that the AP had died at the hospital.

The AP’s autopsy report stated that his death had been caused by

Combined effects of acute combined methamphetamine, morphine, and hydromorphone intoxication, pathophysiological stress from altercation with law enforcement, atherosclerotic cardiovascular disease, chronic obstructive pulmonary disease, and obesity.

The autopsy report did not specifically cite the use of pepper spray as a contributing cause of death.

A video recording was obtained from a security camera at the scene. The recording has a low frame rate, making it difficult for investigators to interpret clearly the movements of individuals. It shows a police vehicle coming close behind the red truck and contacting it. WO2 can be seen to approach the AP’s window, motioning with his hand, and then walking back towards his police car.

Both the AP and CW1 then exit the truck and the AP walks towards officers, putting his hands in the air and then turning, apparently starting to kneel. The SO approaches and appears to force the AP down onto his front with a kick or push from his foot. Officers then pull the AP a short distance away from the truck and there is a confused struggle on the ground before the AP is taken to be placed in a police vehicle.

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 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.

The involved officers were acting largely on suspicions rather than hard evidence but were justified in checking the suspect vehicle and its driver under the *Motor Vehicle Act*, because of a bent and obscured licence plate. If the AP had cooperated fully, as required under that Act, it is likely that the incident would have been resolved quickly and without harm.

The evidence as a whole leads to the conclusion that while the AP was following directions initially, he was either refusing or failing (perhaps because of limited mobility) to comply fully by lying face-down. It also appears that he was verbally aggressive, which would have increased the officers' risk assessment and their perception that he should be controlled and handcuffed. The resulting escalation unfortunately turned what should have been a straightforward traffic stop into a strenuous struggle that, in combination with pre-existing health conditions and drug consumption, caused the AP's death. It cannot be said, in the circumstances, that any of the officers used force that was unnecessary or excessive.

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

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