ASPECTS OF POLICE USE OF DEADLY FORCE IN BRITISH COLUMBIA: THE PHENOMENON OF VICTIM-PRECIPITATED HOMICIDE

by

Richard Brian Parent

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Title of Thesis/Project/Extended Essay

Aspects of Police Use of Deadly Force in British Columbia: The Phenomenon of Victim-Precipitated Homicide.

Author:

Richard Parent

(date) 96-08-9
APPROVAL

Name: Richard Brian Parent
Degree: Master of Arts
Examsining Committee:
  Chair: Joan Brockman, LL.M.

Simon N. Verdun-Jones, J.S.D.
Professor
Senior Supervisor

Patricia L. Brantingham, Ph.D.
Professor

Jayne Seagrave, Ph.D.
External Examiner
Police Consultant
Vancouver, B.C.

Date Approved: July 30, 1996
ABSTRACT

The purpose of this thesis is to study and examine the underlying reasons for police use of deadly force and potential deadly force, in the Province of British Columbia, during the period from 1980 through 1994. Within this context, the phenomenon of victim-precipitated homicide, also known as “suicide by cop,” is examined.

Chapter One introduces the reader to the various legal and policy provisions, within Canada and the Province of British Columbia, that control and regulate police use of deadly force. Chapter Two provides the reader with a review of the literature surrounding the explanations and predictors of police use of deadly force. Within this framework, this study also explores those theories that serve to explain the changing patterns of extreme violence within society. The phenomenon of victim-precipitated homicide and interactional violence are discussed and linked to police use of deadly force. In Chapter Three, the methods utilized to obtain and analyze the data for this thesis are discussed. Chapter Four serves as the “findings and interpretations” section of the thesis.

This study analyzes 58 separate documented incidents where municipal and R.C.M.P. personnel, within the Province of British Columbia, have been confronted by a potentially lethal threat. In 27 of these incidents, police have responded by discharging their firearms and killing a total of 28 people. The remaining 31 cases that were examined reflect incidents in which police responded with less-than-lethal force.
Through the examination of actual police investigations, Verdict-At-Coroner’s-Inquest reports, B.C. Police Commission’s data and interviews with police officers, this thesis reveals that, in roughly half of the cases examined (N=28), police reacted to a potentially lethal threat of victim-precipitated homicide. These are incidents in which individuals, predisposed to commit suicide, acted in a calculated and deliberate manner so as to force police to use potential or deadly force.

This thesis concludes that police personnel within the Province of British Columbia require further alternatives to the standard-issue firearm, when responding to perceived, potentially lethal threats. Non-lethal compliance tools must be made readily available to the operational police officer with a view to providing alternatives to the traditional use of deadly force. In addition, the training of police personnel must emphasize non-violent strategies in dealing with individuals who are suicidal, intoxicated and/or mentally deranged.
For Cathy and my two girls:

Jennifer and Janeen
The term *victim-precipitated* is applied to those criminal homicides in which the victim is a direct, positive precipitator in the crime. The role of the victim is characterised by his having been the first in the homicide drama to use physical force directed against his subsequent slayer. The victim-precipitated cases are those in which the victim was the first to show and use a deadly weapon, to strike a blow in an altercation—In short, the first to commence the interplay of resort to physical violence (Marvin E. Wolfgang, 1956:252).
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Introduction
A precarious relationship exists between democratic societies and the police agencies that have been created for the purpose of maintaining law and social order. In an attempt to maintain law and order, police officers must routinely use force in their day-to-day contact with the public. Police have at their disposal the capacity to act as judge, jury and executioner, if need be. Force that is legitimately and properly applied serves as an essential ingredient in maintaining an ordered society (McLaughlin, 1992).

However, the decision to use deadly force is of such significance that, if at any time a death results, the appropriateness of the action will always be questioned. Police use of potentially lethal force can only occur in those few situations in which no other reasonable option is available. When an officer is issued a firearm, the expectation is that it will only be used in very limited circumstances. The vast majority of police officers within Canada will complete their entire career, never having to shoot or utilize potential deadly force.

When police officers use firearms against individuals, it is assumed that they are using lethal force. Police officers within British Columbia are trained to shoot to kill, contrary to the common notion that training involves techniques in wounding assailants. Police firearms training emphasizes hitting the target's centre of mass, to eliminate a potential lethal-threat. However, McLaughlin (1992) notes that, in fact, the majority of people shot by police do not die. Generally, officers who discharge a firearm or utilize other potentially deadly force are attempting to immediately incapacitate a perceived threat. This decision-making process will usually transpire when the individual officer is under stress, allowing for the influence of both physiological and psychological factors.

In Canada, the use of force is governed by both law and policy. The use of deadly force by the police must occur only within the parameters of the Criminal Code, provincial regulations, and organizational policies. Within this legal framework, the police are also empowered to utilize discretion. Geller (1985) explains official discretion as an authority conferred by law to act in certain situations in accordance with an official's or an official agency's own considered judgement and conscience. Government legislation and organizational policies within Canada serve to provide only the outer limits of police discretion in using force.

There is no obligation for the police to use force whenever it would be legally justifiable. The use of force, including deadly force, is dependent upon both the unique circumstances of the incident and the unique decision making of the officer. If two officers are faced with the exact same circumstances, one individual officer may decide to employ deadly force while the other may choose a
non-lethal method of dealing with the perceived situation. Thus both discretion and perception may vary between individuals.

There is little research in Canada concerning the issue of police use of deadly force. The most recent research conducted on this subject was by Chappell and Graham in 1985. Unfortunately Chappell and Graham's research was largely based upon a small number of coroner's inquest reports, a factor which limited the validity of their findings. A coroner's inquest simply serves as a fact-finding exercise in determining the cause of death; it is not a fault-finding process. The recommendations and conclusions reached by a coroner's inquest must be viewed with caution. For example, an inquest may determine that a police officer caused the death of an individual. However, in subsequent criminal and civil court proceedings the officer's actions may be found to be justified. In other instances, Crown counsel may review the police investigation deciding that criminal charges are not warranted against the police officer(s). Chappell and Graham failed to examine these other issues, basing their research and deductions upon the narrow findings of coroner inquests. It is also important to note that the data base utilized by Chappell and Graham concluded in 1982. In the past 14 years there has been virtually no Canadian research in this area of significant concern.

In the United States, researchers have attempted to explain the underlying reasons for extreme violence including police use of deadly force. In their attempts, researchers have derived a number of theoretical perspectives, each providing a viewpoint that must be considered within the unique circumstances of individual lethal force incidents. Wolfgang and Ferracuti's (1967) 'subculture of violence' is one of the most cited theories of violence. These authors present the concept that there exist in different communities "subculture(s) with a cluster of values that support and encourage the overt use of force in interpersonal relations and group interactions".

Geller and Scott (1992) state that the structural theory asserts the significance of "broad-scale" societal forces such as lack of opportunity, institutional racism, persistent poverty, demographic transitions and population density; these combine to determine both homicide rates and to influence the police use of deadly force. It is argued that these factors serve to facilitate violent crime within a community thereby influencing the propensity for police use of deadly force.

The interactional theory focuses upon the character of relationships that escalate into homicide. Police use of force is seen as resulting from the interaction process itself. The act of the participant precipitates the acts of the police officer. This may result in an escalation of conflict that culminates in deadly force being utilized.
Marvin Wolfgang (1958) notes that victim-precipitated homicides are those instances in which the victim is a direct, positive precipitator in his or her own death. It is the victim who is the first in the interaction process to resort to physical violence and not the subsequent slayer. Within this framework, recent anecdotal research within the United States has revealed the phenomenon of "suicide by cop" (Gerberth, 1993:105). This term refers to instances in which individuals, bent on suicide, engage in life-threatening criminal behaviour in order to force the police to kill them. In these instances, despite its name, victim-precipitated homicide is in essence a form of suicide.

Violence by police is also said to be situational in nature. In each particular situation there is a unique set of dynamics that include personality, stress, and danger. Geller & Scott significantly emphasize that, in some instances, the police officer is forced to react within seconds and there is little that the involved officers could have done differently to alter the nature of their encounter. Individual officers who have been involved in shootings have detailed how the often split-second incident appeared to unfold in "slow motion" with their only focus being upon the actions of the assailant. In most cases, police officers responded to the perceived threat in an "automatic" manner, based upon their repeated training in dealing with life-threatening situations. In the vast majority of cases, a potentially violent encounter will develop into a deadly violent situation in just a matter of seconds.

An essential factor in controlling this iatrogenic situation is the obligation of the individual police officer to check for specific factors as they approach the scene of a potentially violent encounter. The mere presence of a police officer may serve to intensify and escalate the situation that they are entering into. Researchers have noted that a key factor in increasing the amount of time available to an officer is the training in violence reduction. This would include such matters as deciding upon how, when, to enter a situation, and what precautions to take including developing a habit of checking in-progress crime scenes for the purpose of identifying dangers, options and bystanders (Geller & Scott, 1992). The rapid timing and physiological effects that occur during the violent encounter tend to indicate that there are few, if any, alternatives to deadly force.

It is important to recognize that an officer engaged in a potentially lethal encounter will experience a variety of perceptual alterations. Tunnel vision may occur which, in effect, nullifies the officer's peripheral vision. The officer may require this vision in order to see other dangers, other alternatives to deadly force or to become aware of the presence of innocent bystanders.

Researchers have cited "time distortions" and "increased auditory and visual acuity" among other physiological effects of high-stress confrontations. These physiological changes, collectively
known as the "general adaptive syndrome" are intrinsic within human beings, acting as a survival mechanism (Murray & Zentner, 1975). These authors note that the "alarm stage" is an instantaneous, short-term, life-preserving and total sympathetic nervous-system-response that occurs when a person consciously or unconsciously perceives a danger-inducing stressor. In addition, Murray & Zentner state that stress is a physical and emotional state that is always present in a person but is intensified when an environmental change or threat occurs to which the individual must respond. An individual's survival depends upon constant negotiation between environmental demands and the person's own adaptive capacities.

In a modern society, the police are continually occupied with the threat of violence in their day-to-day activities. Skolnick (1966) stated that in reaction, police officers develop a "perceptual shorthand" to identify certain kinds of people as "symbolic assailants". These symbolic assailants are individuals who use specific gestures, language and attire that the officer has come to recognize as a prelude to violence. This may also apply to symbolic settings which the officer has come to recognize as having the potential for danger.

The physiological and psychological changes that occur to police officers under stress serve as important factors in an officer's decision to deploy deadly force. Physical and social settings, including dark or poorly lit places, high crime and violence areas, angry or upset people and non-supportive social structures, also serve to heighten anxiety. While these factors affect all individuals, police officers are likely to experience even higher levels of anxiety as they often have little choice as to whether to enter a dangerous situation.

This thesis will explore these various theoretical positions with emphasis upon the examination of victim-precipitated homicide. The purpose of this research is to study why the use of deadly force occurs. In identifying why deadly force occurs in British Columbia this thesis may provide data on how municipal police officers can be trained to marginalize the effects leading to death by legal intervention.

As stated, in the past 14 years, there has been virtually no research concerning this issue of concern within the province of British Columbia. One of the first objectives of this thesis will be to determine the extent of police use of deadly force within British Columbia. To what degree have fatal police shootings occurred within this province during the past 14 years? In addition, how many police shootings have occurred in which no individual was killed, but nonetheless the potential for a fatal
outcome was possible? Furthermore, this thesis examines those documented incidents in which police officers would have been legally justified in using lethal-force but ultimately did not.

These three categories of resolution will be examined in an attempt to determine what specific factors lead to the escalation of violence. How do these factors serve to influence and direct police use of deadly force within British Columbia? What are the implications for police training in relation to physiological factors, situational variables, force options and the training process itself? Can physiological factors and situational variables be modified and controlled? Are there viable non-lethal alternatives to the present array of force options and compliance tools?

This thesis will also focus upon the role of the victim during a lethal and a potentially lethal encounter with the police. What role does the victim play in a police shooting incident? Does the victim’s role differ in those documented incidents in which the police would have been justified in using deadly force but did not? What are the implications for police training in relation to victimology? Can the police use of deadly force within British Columbia be linked to a broader social policy?

Finally, this research will attempt to address the above mentioned micro and macro concerns as well as the specific examination of the phenomenon of “suicide by cop”. To what extent, if any, have victim-precipitated incidents influenced police use of deadly force? Does the phenomenon of “suicide by cop” exist within British Columbia or is it more a-kin to police shootings within the United States?

Prior to examining individual incidents of police use of deadly force, this thesis will first explore the legal framework and policy structure that presently exists for police agencies within British Columbia. Federal and provincial laws, precedent-setting court cases, departmental regulations as well as policies and procedures all serve to direct and influence the actions of the police.

This chapter will be followed by a review of the literature surrounding police use of deadly force, including those theoretical perspectives pertaining to violence of which homicide is the most extreme form. This thesis will then examine those incidents in which a firearm was discharged by a member of a municipal police department within British Columbia. This examination will focus upon categories of resolution utilized by police to incapacitate a perceived lethal-threat.

There have been over 30 fatal shooting incidents involving the police within the province of British Columbia since 1980. The municipal police departments were responsible for 15 of these shooting deaths. In an attempt to carry on where Chappell and Graham left off, the data base for this research will focus on the period from January 1980 through to December 1994.
The legislated data base maintained by the B.C. Police Commission will serve as the initial source of information for this examination. This information source will be supplemented with files obtained via the legislated data base maintained by the B.C. Coroner's Office. Together, these two government sources provide a baseline of information that will be enhanced with the review of actual police files, police investigations and significantly, interviews with the officers themselves who were responsible for the shootings. Shooting incidents involving members of the R.C.M.P. will be examined only by way of Verdict-At-Coroner's-Inquest reports. The reason for this is explained within the Methodology Chapter of this thesis.

The findings and interpretations of this analysis are then presented with extracts of official reports and interviews of the police officers involved in these violent encounters. Finally, the thesis concludes with a discussion of the need for further research on specific issues that include the issue of victim-precipitated homicide and less-than-lethal force options for the police.
Chapter One:

Legal Implications -

Criminal Law, Policies and Procedures
In Canada, the police officer's use of deadly force is governed by both law and policy. The policy rules of the employing police department are governed by each respective department. The law as it relates to police use of deadly force in British Columbia is found in the Criminal Code, the British Columbia Police Act, the Police Firearms Regulations and case law.

**The Criminal Code of Canada**

The "justification" sections of the Criminal Code, sections 25 - 33 inclusive, exempt otherwise criminal actions from criminal liability. The most important of these sections is Section 25:

25(1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law
(a) as a private person
(b) as a peace officer or public officer
(c) in aid of a peace officer or public officer, or
(d) by virtue of his office
is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

25(2) Where a person is required or authorized by law to execute a process or to carry out a sentence, that person or any person who assists him is, if that person acts in good faith, justified in executing the process or in carrying out the sentence notwithstanding that the process or sentence is defective or that it was issued or imposed without jurisdiction or in excess of jurisdiction.

25(3) Subject to subsection (4), a person is not justified for the purpose of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless he believes on reasonable grounds that it is necessary for the purpose of
preserving himself or anyone under his protection from death or grievous bodily harm.

25(4) A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested if,

(a) the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;

(b) the offence for which the person is to be arrested is one for which that person may be arrested without warrant;

(c) the person to be arrested takes flight to avoid arrest;

(d) the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer or any other person from imminent or future death or grievous bodily harm; and

(e) the flight cannot be prevented by reasonable means in a less violent manner.

The protection of section 25(4) will only be afforded if the officer is seeking to arrest a person "for an offence for which that person may be arrested without warrant". Warrantless arrests are provided for by sections 494 and 495 of the Code (Criminal Code, 1995).

Section 494 authorizes any person (not only peace officers) to arrest without warrant a person:

(i) "whom he finds committing an indictable offence"

(ii) "where he has reasonable and probable grounds to believe that the person "has committed a criminal offence and is escaping from and freshly pursued by persons who have lawful authority to arrest that person"
(iii) found "committing a criminal offence on or in relation to" private property, if "authorized" by the owner or lawful occupier of the property.

Section 495 provides police officers powers of arrest without warrant in addition to those allotted by section 494. A police officer may, regardless of any other factors, arrest without warrant, a person whom he/she believes on reasonable and probable grounds has committed an indictable offence not set out in s. 553. Section 553 contains a list of non-violent property offences such as theft, fraud, and mischief. Murder, armed robbery and other violent indictable offences are not included in section 553. A police officer may, therefore, proceed to arrest someone for any indictable offence not contained in Section 553 and the deadly force provisions of Section 25(4) will apply.

A police officer may arrest someone without warrant if he/she has reasonable and probable grounds to believe that a warrant of arrest or committal in respect of that person is in force. A police officer may also arrest a person without warrant for an offence set out in Section 553 or a dual offence only in such "circumstances" where the public interest would not otherwise be served. Circumstances he/she is to consider include the need to establish identity, the need to preserve evidence and the need to prevent the commission of other offences, and appearance in court.

A police officer may arrest someone without warrant for a summary conviction offence only if he/she "finds" the person committing the offence and the public interest would not otherwise be served, having regard to the "circumstances" set out above.

The "Fleeing Felon" Rule

The most contentious of all the Criminal Code provisions regarding the use of deadly force is contained within section 25(4) and the "fleeing felon" rule. Prior to July 1994, Section 25(4) of the Criminal Code of Canada stated:

25(4) A peace officer who is proceeding lawfully to arrest, with or without warrant, any person for an offence for which that person
may be arrested without warrant, and everyone lawfully assisting the
peace officer, is justified, if the person to be arrested takes flight to
avoid arrest, in using as much force as is necessary to prevent the
escape by flight, unless the escape can be prevented by reasonable
means in a less violent manner.

Subsection 25(4) originated as a codification of the old English common law rule that
permitted the killing of a person fleeing from arrest and who had committed a felony offence. When
the rule was created in England, over 150 years ago, it was reserved for only the most serious
offences (e.g.: felonies that for example would include theft, robbery or murder). These offences were
all punishable by death if the offender was apprehended and tried. Thus this "rule" emerged with the
term "fleeing felon", justifying the homicide of an individual who was escaping from the authorities
(Justice, 1992:2). However, in present-day Canadian law, the death penalty has long since been
abolished and escape from lawful custody carries a maximum of two years imprisonment. Therefore,
the rationale used to justify the fleeing felon rule no longer exists. (McIntyre, 1989:31).

In recent years, Canadian courts voiced their opposition to this out-of-date Criminal Code
provision that is wider than necessary and virtually unacceptable within contemporary Canadian
society. As the law read, it would appear that deadly force could be used to stop a fleeing suspect
from getting away, even though the suspect may not pose a threat of physical harm to the public or
peace officer. This situation became unacceptable to the courts in Canada. In an attempt to invoke
positive change, the Supreme Court of Canada stated:

"The section does not require that the offence be of such a nature
that the arresting officer must satisfy himself that the suspect
constitutes a danger to the arresting officer or a member of the
public, or that the suspected offence involves violence. One would
anticipate then that only serious and violent crime would allow arrest
without warrant, but such is not the case. A vast majority of
offences contained in the Criminal Code allow arrest without warrant including, amongst others, such non-violent offences as forgery, bribery and personation. Indeed, it would appear that a person having committed a summary conviction offence such as careless driving by attempting to escape, commits the offence of obstructing police, which is indictable, thus falling within the apprehension provisions of section 25(4). (Moore v. The Queen, 1978, 43 C.C.C. 2d).

The Supreme Court of Canada in the 1983 case of Roberge v. The Queen additionally stated:

"Section 25(4) is a codification of the old common law applicable to fleeing felons, offenders that would in those days, if found guilty, most certainly be executed. Many suggestions have been made to parliament as regards this frightful arsenal peace officers enjoy (see, amongst others, the Ouimet Committee Report (1969)), particularly concerning offences that do not indicate dangerousness on the part of the offender, such as shoplifting, fraud, gambling. We have extended to all indictable offences a common law principle that was intended to be applied only to felons. This is a choice parliament has made and which courts cannot defeat."

In response to this precarious situation, the Minister of Justice and Attorney General of Canada introduced Bill C-8 on February 4, 1994 to amend subsection 25(4) of the Criminal Code. This long awaited amendment clarified when a peace officer may use force that may cause death or serious bodily harm to stop a suspect who is fleeing arrest, or a prisoner attempting to escape from a prison (C.A.P.B., 1994:1). The rationale used for this sudden parliamentary amendment to the Criminal
Code is found in the 1993 Ontario Court Decision of R. v Lines. In this decision, the trial judge ruled that the use of the provisions found within subsection 25(4) of the Criminal Code violate section 7 of the Canadian Charter of Rights and Freedoms. In delivering this decision, the judicial process had finally achieved the necessary ruling to invoke changes by Parliament.

The newly created legislation contained within Section 25(4) was proclaimed law on July 01st, 1994 and now permits the use of deadly force, by a peace officer, or anyone lawfully assisting the peace officer when:

- a suspect poses a threat of serious harm or death;
- the suspect flees in order to escape arrest; and
- no other less violent means exist to prevent escape.

These changes to section 25(4) serve as a more accurate reflection of our contemporary times, permitting the use of deadly force within strict parameters.

**Additional Criminal Code Use of Force Related Sections**

Although Section 25 is the main section within the Code that pertains to the use of deadly force, Sections 26, 27 and Section 37 contain equally important provisions that pertain to a police officer's use of force:

**Section 26**

Everyone who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.

**Section 27**

Everyone is justified in using as much force as is reasonably necessary
(a) to prevent the commission of an offence

   (i) for which if it were committed, the person who
       committed it might be arrested without warrant, 
       and

   (ii) that would be likely to cause immediate and
       serious injury to the person or property of anyone;
       or

(b) to prevent anything being done that, on reasonable 
    grounds, he believes would if it were done, be an offence 
    mentioned in paragraph (a)

Section 37(1)
Everyone is justified in using force to defend himself or anyone 
under his protection from assault, if he uses no more force than is 
necessary to prevent the assault or the repetition of it.

Section 37(2)
Nothing in this section shall be deemed to justify the wilful infliction 
of any hurt or mischief that is excessive, having regard to the nature 
of the assault that the force used was intended to prevent.

**Canadian Case Law**

As stated, the provisions within the *Criminal Code* of Canada enable peace officers to use 
force in the lawful execution of their duties. Court decisions, in both criminal and civil cases, have 
further shaped the powers and obligations of police officers when utilizing force. The more recent and 
prominent of these case law decisions are as follows:
Sec. 25 C.C.C. Use of Force - Force In Making An Arrest

In Cluett v. the Queen, the Supreme Court of Canada held that a police officer is not justified in using force to restrain a person, short of arrest, merely to carry out an investigation. However, where a police officer finds a person apparently committing a criminal offence, the officer is justified in using the necessary force to arrest such a person, provided the force used is not excessive (Cluett v. R., (1985) 2 S.C.R. 216, 21 C.C.C. (3d) 318 (Dickson C.J.C., Beetz, Estey, McIntyre, Chouinard, Lamer, LeDain JJ.).

The details of Cluett v. the Queen are as follows:

The accused, a police officer, and his partner were charged with second degree murder as the result of the death of a citizen. The accused and his partner had been called to the scene of the incident as a result of a complaint that the deceased was interfering with traffic. The evidence indicated that a struggle ensued between the deceased and the accused's partner but that the accused did not witness the beginning of the struggle. By the time the accused came to the struggle, the deceased had hold of the accused's partner and the accused testified that he told the deceased that he was under arrest for assaulting a police officer. The accused testified that he tried to restrain the deceased who only released the accused's partner when the latter struck him several times. The deceased was finally subdued and taken to hospital where he died several weeks later from the injuries received during the encounter with the accused and his partner. At trial, the accused's partner was convicted of manslaughter and the accused was acquitted.

However the Nova Scotia trial judge stated:

"Neither s. 25 of the Criminal Code nor the common law permits a peace officer to use as much force as necessary to generally carry out the lawful execution of his duty. While a peace officer undoubtedly has the duty to investigate crimes and to ask questions of citizens
for that purpose, and in some circumstances to insist on answers, that does not imply any
right to detain a person or to use force for that purpose short of arrest. The police are not
entitled to use force unless an arrest is warranted and has been properly made. Further, the
obligation under s. 29 of the *Criminal Code* that a person be advised as to the reason for his
arrest, as reinforced by the provisions of the *Canadian Bill of Rights* and the *Canadian Charter
of Rights and Freedoms*, ensures that police officers will exercise their powers properly and
with some degree of discretion. Thus, where police officers have attempted to question a
citizen but have neither arrested him nor given him reasons why he was being arrested, any
such detention is unlawful and the officers were not acting in execution of their duty. In the
result, they would not be justified in using force by virtue of s. 25 of the *Criminal Code* and if
they apprehend the citizen, such apprehension constitutes an assault entitling the citizen to
resist."

While the accused was acquitted, an appeal by the Crown to the Nova Scotia Supreme Court,
Appeal Division, was allowed and a new trial was ordered on a charge of manslaughter. However on
appeal by the accused to the Supreme Court of Canada, it was held that, the appeal should be
allowed and the acquittal restored.

The decision rendered by the Supreme Court of Canada emphasized that if a police officer is
doing anything in the administration or enforcement of law and is acting on reasonable and probable
grounds, then he or she is justified in doing whatever he or she is authorized to do and in using as
much force as necessary for that purpose. This case reinforced the principle that police officers within
Canada are permitted to use as much force as is necessary to carry out the lawful execution of their
duties. However, the level of force must not be excessive nor should force be used to ascertain the
identity of a person, prior to arrest.

These issues were once again raised in the 1981 case of *Bottrell v. R*, when the B.C. Court of
Appeal held that the trial judge had erred in his instructions to the jury in respect of s. 25 of the
*Criminal Code* by failing to instruct as follows: (1) a peace officer has a right, if acting on reasonable
and probable grounds, to use as much force as, but no more force than, necessary to effect an arrest;
(2) a peace officer effecting an arrest cannot use force intended or likely to cause death or grievous bodily harm; (3) circumstances determine the amount of force necessary; (4) "grievous bodily harm" means serious hurt or pain; (5) it is important to judge the belief of an arresting officer in the light of all the circumstances; (6) a police officer is not to be deemed to be in breach of s. 25(3) merely because "grievous bodily harm" resulted, unless he/she intended that result (Bottrell v. R. (1981), 22 C.R. (3d) 371, 60 C.C.C. (2d) 211 (B.C.C.A.). This decision appears to be an attempt to clarify and emphasize several of the issues raised during the case of Cluett v. the Queen.

In addition to these two recent cases, there are several other cases that pertain to the use of force in making an arrest. For example, in the case of R. v. Letourneau, the principle of reasonable force was applied in favour of an accused who had shot to prevent a man's flight, after finding the man in the act of breaking and entering the premises of the accused. On preliminary inquiry, the court refused to commit the accused for trial, under either s.216 (a) (discharging a firearm with intent to wound), or s. 231(2) (assault causing bodily harm) (R. v. Letourneau, (1971) R.L. 84 (Que. S.P.). This decision appears to emphasize that the use of force is reasonable and proper in particular circumstances. However, the appropriate level of force can only be determined upon examination of all of the circumstances.

In the case of Beirn v. Goyer, the Supreme Court of Canada additionally addressed the issue civil responsibility verses criminal responsibility in using force. In this case an unarmed, 14-year-old boy abandoned a stolen car when he was stopped by the police and ran off through a rocky field, with two policemen in pursuit. They fired warning shots, and one of the policemen, who fell twice while in pursuit, fell again while preparing to fire. The boy was struck in the back. In an action against the policeman for negligence, the jury found that he was at fault. An appeal to the Supreme Court of Canada from a reversal of the judgement at trial was allowed. The court stated that the Criminal Code, s.25 and the question of justification were not in issue but only the question of negligence (Beirn v. Goyer, (1964) Que. Q.B. 558 (sub nom. Gordon v. Montreal), [1965] 3 C.C.C. 175 (sub nom. Gordon v. Goyer) (C.A.).
The issue of negligence when using force was also addressed in the case of *Woodward v. Begbie*. In this incident, the police believed, on reasonable and probable grounds, that the accused had been "peeping" contrary to s. 162. The court held that as he took to flight to avoid arrest, the police were justified, under s. 436, in seeking to arrest him without a warrant, but in shooting the accused, the officers used more force than was necessary. They thereby lost the protection of s. 25(4) and were liable for damages in negligence (*Woodward v. Begbie* (1961), 132 C.C.C. 145 (Ont. H.C.) (McLennan J.

Finally, in the case of *Cretzu v. Lines*, it was held that the protection of these *Criminal Code* sections does not extend to a case in which the arrest is not properly made, under s.40, or where the person arrested has not in fact taken to flight. In this case, the plaintiff recovered damages for the death of his father, who was shot and killed by the defendant, a police officer who was pursuing him in the belief that he had indecently assaulted two girls. It was pointed out that not only was the suspected offence one for which an arrest could not be made without warrant, but the use of a revolver was not justified, and constituted an excess of force. Moreover, on the evidence, the defendant had used it negligently (*Cretzu v. Lines* (1941), 75 C.C.C. 367 (B.C. S.C.) (Smith J.).

**Sec. 27 C.C.C. Prevention of Crime**

In addition to the case law decisions regarding section 25, section 27 outlines the use of force permissible to prevent the commission of an offence. In the case of *R. v. Scopelliti*, the court held that the use of deadly force can only be justified either in self-defence under s. 34 or in preventing the commission of a crime likely to cause immediate and serious injury under s. 27 (*R. v. Scopelliti* (1981), 63 C.C.C. (2d) 481 (Ont. C.A.). Within this section, police use of force is justified only as much as is reasonably necessary, for preventative purposes, dependent upon the circumstances of each instance.
Sec. 34 C.C.C.  **Self-Defence Against Unprovoked Assault**

In section 34, the Criminal Code defines the range of lawful self-defence by individuals who have been unlawfully assaulted and have responded by using force. The self-defence provisions within this section are illustrated in the recent case of *R. v. Melaragni*. In this case the accused were two police officers who fired their guns at the deceased while he was driving a stolen vehicle. The accused stated that they were aiming at the tires of the vehicle but their shots had gone into the passenger compartment thereby killing the deceased. The accused were charged with aggravated assault.

The defence of the accused was self-defence, alleging that the deceased had tried to run down the two accused, and that the deceased had been the driver of another stolen vehicle who, in a previous incident, had run down a police officer attempting to apprehend the driver. Expert evidence proposed by the defence with respect to the effect of stress was used to explain how the accused officers could have missed shooting at the tires of the vehicle at such close range.

The court held the psychological and firearms evidence as admissible, stating that the defence were entitled to dispel the myth of police officers as being able to respond in a cool, calm and deliberate fashion at all times. Thus this decision serves not only as a general ruling in favour of police who use force in self-defence of an unprovoked assault but it additionally recognizes the reality of stress and its effect within policing.

The Ontario Court (General Division) judge added:

As a society, we are generally unfamiliar through our common everyday experience as to just how police officers do react in situations of extreme stress and peril. What knowledge we do have is generally derived from Hollywood where police officers are for the most part portrayed as super human beings possessed of remarkable marksmanship skills with ice-water flowing through their veins. This perception, which I would describe as a myth, is one which the defence ought to be entitled to dispel. (*R. v. Melaragni* (1992), 76 C.C.C. (3d) 78 (Ont. Gen. Div.).)
In summary, the noted case law citations are but some of the more significant decisions that have been rendered within Canada in recent times. There is a notable absence of reported case law when one considers that there are, on average, 10 incidents of police use of deadly force in Canada per year (Stansfield, 1996:115). There are also numerous incidents of general use of force by police departments within Canada but yet there remains an infrequency of both criminal and civil case decisions. Those cases which do exist, serve to supplement the legislated provisions regarding the use of force that exist within the Criminal Code.

The B.C. Police Act and the B.C. Police Firearms Regulations

In British Columbia, there are twelve municipal police forces, and the R.C.M.P. has jurisdiction in those parts of the province not governed by a municipal force. In addition, there exists a small number of "specialized" police agencies that include the Ports Canada Police as well as the native and railway police (Canadian National, Canadian Pacific and the British Columbia Railway).

The Police Act sets out the responsibilities of the municipal police forces and empowers the government to enter into an agreement to police with the R.C.M.P. The R.C.M.P., in British Columbia, are deemed to be the provincial police force. As well, several large municipalities within the province "contract" for the services of the R.C.M.P. to conduct their policing.

In addition, the Police Act governs the specialized policing services of the native police and the British Columbia Railway Police. For example, the Stl-Atl-lmx Nation Tribal Police located in Lillooet, B.C. are granted special constable status by virtue of a memorandum of agreement with the Attorney General of B.C. However, the Canadian National and Canadian Pacific Railway Police, as well as the Ports Canada Police, are governed under federal legislation, reporting directly to the federal government.

The BC Police Commission is empowered, by virtue of Subsection 5(2) of the Police Act, to make rules "regulating or prohibiting the use by the provincial force or municipal forces, or by both, of firearms and equipment." The Police Firearm Regulations were enacted pursuant to the Police Act. These regulations designate the type of firearm to be carried by police officers and prescribe the
circumstances under which a firearm may be drawn and fired by a police officer and procedures to be
followed after firing a weapon.

Paragraph 4(1) of the Police Firearm Regulation states that a member of a police force is not
to draw his revolver unless "he believes it may be necessary for the protection of his life or the life of
another person, or he believes that it is necessary for the apprehension or detention of a person whom
he believes to be dangerous."

Paragraph 4(2) states that the weapon shall not be discharged unless the officer has
"reasonable and probable grounds for believing it is necessary for the purpose of:

a. Defending his life or the life of another; or

b. Effecting the apprehension, where other means are
   insufficient, of a person whom he has reasonable and
   probable grounds for believing is dangerous, or

c. Destroying a potentially dangerous animal or one that is so
   badly injured that humanity requires its release from further
   suffering; or

d. Giving an alarm or calling for assistance for an important
   purpose, where no other means can be used; or

e. Warning a person in order to gain control of a situation
   which the member reasonably believes may result, if
   allowed to continue, in death or serious bodily harm to any
   person and there is no reasonably foreseeable likelihood of
   injury or death to an innocent person resulting from the
   warning shot."

The Regulations further provide in paragraph 4(3) that a member of a police force shall not
discharge his firearm until he has satisfied himself that "lesser means and assistance are not readily
available or would not gain control over a dangerous situation."
It is apparent that the provisions of the Regulations are substantially more restrictive than those of the Criminal Code. This subsection allows the use of deadly force to effect an arrest ("apprehension") only where the person is believed, on reasonable and probable grounds, to be "dangerous" (the word "dangerous" is not defined).

The Regulations also provide for procedures to be followed every time a weapon is discharged and other procedures to be followed where someone is killed or injured by a police officer's weapon (Police Firearm Regulations, 1989:2).

Another important aspect within provincial law is found within Section 755.1(3) of the BC Municipalities Act:

A municipal employee cannot be liable personally for a tort committed during the performance of their duties unless the conduct that is the subject matter of the action is:

a. Dishonest
b. Grossly negligent
c. Malicious or wilful misconduct
d. Libel or slander

This legislation serves to provide civil protection to municipal police officers in the performance of their duties including an incident involving the use of deadly force. The officer's personal financial possessions would be protected from a civil law suit should a court action follow a deadly force incident. This assumes that their conduct is deemed not to be dishonest, grossly negligent, malicious or of wilful misconduct.

**Municipal Police: Policy and Procedures**

A police officer's conduct is also governed by the policies and procedures ("rules") of his/her individual police department. Section 26 of the B.C. Police Act reads:
"26(1) Every board shall make rules not inconsistent with this act and the regulations respecting the
(a) administration of its municipal force;
(b) prevention of neglect and abuse by its municipal constables; and
(c) efficient discharge of duties and functions by the municipal force and municipal constables."

**Provincial Standards For Municipal Police Departments In B.C.**

In conjunction with the rules established by the Police Board, there exists a provincial policing level of requirement for the twelve municipal police agencies. In May 1991, as a result of a co-operative venture between the British Columbia Police Commission and the British Columbia Association of Chiefs of Police, a set of Provincial Standards for Municipal Police In British Columbia was created. The purpose of the Standards is to identify minimum acceptable standards for police, thereby facilitating a uniform degree of policing excellence among municipal police departments within the province. The Standards were derived by reviewing the available literature on police standards, reports of various Royal Commissions, relevant legislation and by researching topical issues. In addition, agencies such as the Human Rights Council, victim-service groups and other non-police organizations were consulted (B.C.P.C. Provincial Standards, 1991).

The standards are mandatory for municipal police departments, having been approved by an Order of the Lieutenant Governor in Council. The clearly stated responsibilities within the Standards are used as minimal criteria against which municipal police departments are audited by the British Columbia Police Commission. The audits are published, serving as a public record for each respective municipal police department as to the level of service and degree of compliance with the provincial Standards.
The opening chapter of the Standards, A1, "Police Role And Responsibilities", outlines those standards that are applicable to the use of force by municipal police. (See Appendix K.) A total of thirteen standards specifically pertain to the use of force, including deadly force, setting minimum policy requirements required by each department.

While the Standards serve as a benchmark for municipal policing within the province they nonetheless fail to provide the necessary means for each department to achieve the intent of the standard. McIntyre (1991) notes that one of the greatest inconsistencies within British Columbian policing is the lack of a homogenous policy surrounding the use of deadly force. Within the twelve municipal police departments, there are various differences in the policies and procedures regarding police use of force.

Aware of these concerns, several police departments asserted that it was not in the public interest for each police department to maintain different polices and procedures regarding fundamental issues such as labour disputes, vehicle pursuits and police use of force (B.C.P.C. Model Policy Recommendations, 1993). It became apparent that in policing areas such as these, it would be important to provide a consistent police response when dealing with the public.

In response to these issues and concerns, a committee was established by the British Columbia Police Commission and the British Columbia Association of Chiefs of Police in February 1993. The purpose of the committee was to review the Provincial Standards and to explore the possibility of creating a provincial policy and procedure manual for municipal police agencies. The manual would serve as a common model document to assist the twelve departments in the development of policies and procedures unique to their agency yet ensuring compliance with the Standards. A common model manual would also allow a framework for uniform and consistent police policies and procedures throughout the twelve municipalities in areas of concern that were common to all.

However, unlike the Standards, the Model manual would serve as a framework document only. Each department, with its own Chief Constable, would retain their independence in accepting, rejecting or modifying those policies and procedures that would be proposed within the Model manual.
This was in recognition of the autonomous office of the Chief Constable and in recognition of the unique needs and requirements of each municipality and their respective policing service.

In October 1994, a model policy and procedures manual, based upon the Provincial Standards, was completed and provided to each municipal police department. The policies and procedures contained within the model document were developed and written to ensure complete compliance with the Standards (Model Policy And Procedure Manual, 1994).

Within the operational section of the model manual, policies regarding firearms and the use of force have been written and provided. (See Appendix L.) Section OH10, "Firearms", outlines the recommended policy regarding the drawing and discharge of firearms as well as other firearm related issues. Each department is provided with the flexibility to address procedurally how the policy is to be achieved within the unique make-up of the particular department. Section OH20, "Use Of Force," similarly provides the recommended policy regarding use of force, use of weapons, training and proficiency as well as excessive use of force. The procedures for using force have been provided and are directly based upon the J.I.B.C. (Justice Institute of British Columbia) Police Academy guidelines and training. (See Appendix M.) These recent provincial wide changes, within the municipal police community, appear to have rectified any of the past shortfalls regarding use of force policy and procedures.

**R.C.M.P.: Policy And Procedures**

The 1994 policy and procedures governing Royal Canadian Mounted Police officers in the use of force are somewhat different from those rules that govern municipal police officers. These federal policies and procedures apply throughout the province of British Columbia and throughout Canada. The relevant sections governing the use of force are:
Policy

C. Policy

C.1. A member shall not discharge a firearm at a person except to protect life or prevent grievous bodily harm.

G.2 Member

G.2.a. Do not discharge a firearm at a person except to:

1. protect life or prevent grievous bodily harm; or

2. prevent the escape of a person you are arresting/have arrested for a serious criminal offence, and you have reasonable grounds to believe, if allowed to escape, death or serious harm is likely to occur.

G.2.b. Before you discharge a firearm as outlined in G.2.a.2., all of the following conditions must be met:

1. You must take reasonable steps to identify yourself as a peace officer.

2. You must order the person to stop.

3. Other reasonable means of a less violent nature are not readily available, e.g. immediate police backup, civilian assistance.

4. You determine there is no reasonable likelihood of injury or death to any other person.
G.2.c. Do not discharge a firearm at any part of an aircraft, vessel or moving motor vehicle in an attempt to disable the aircraft, vessel or vehicle.

G.2.d. You may shoot out the tires of a stationary motor vehicle if there are reasonable and probable grounds to believe that a serious criminal offence has been committed or is about to be committed and the escape of the suspect/accused would, in all likelihood, cause death or grievous bodily harm to a person.

NOTE: For the purposes of this chapter, a serious criminal offence is an offence that by its nature, indicates dangerousness on the part of the offender, and involves circumstances which lead to reasonable and probable grounds that death or grievous bodily harm has/is likely to occur.

G.2.e. You may also discharge your firearm to:

1. Summon assistance, or
2. dispose of domestic or wild animals during the course of duty.

G.2.f. If you discharge a firearm, report the circumstances to your commander.

1. Do not report a discharge of a firearm that happens during sanctioned events, unless human death or injury or property damage occurs.
The wording and structure of the R.C.M.P. rules are consistent with the recent Model Policy devised for municipal police forces within British Columbia. Both the R.C.M.P. and the municipal police policies advocate a general rule that deadly force can only be used when there is an immediate threat of death or serious bodily harm. Those provisions that relate to the fleeing felon rule are consistent with those newly created provisions that now exist within the Criminal Code. In both policies the use of deadly force to prevent the escape of a suspect can only be sanctioned when the officer has reasonable grounds to believe that the suspect’s escape will pose a significant threat to human life. Thus the provisions that relate to deadly force within British Columbia are confined to life-threatening situations only.

**Ontario Policing Standards**

In the province of Ontario, the provincial police force and local municipal departments are both governed by legislated standards. The R.C.M.P. does not play a significant policing role within this province except in the enforcement of specific federal statutes. Therefore, the Ontario Policing Standards dictate the general use of force permitted by police officers within the province. The "Standards" serve as paramount legislation, directing and governing each individual police department’s policies and procedures. The standards relevant to police use of force within the province of Ontario are:

**Sec. 0211.00**

4. Before a firearm is issued to a member of a police force, the Commissioner or chief of police, as the case may be, shall satisfy himself or herself that the member has successfully completed the training required by section 12.2 and is competent in the use of the firearm.

8. A member of a police force shall not draw a handgun or discharge a firearm unless he or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm.
8.1 Sections 3 to 8 do not apply to a member of a police force when engaged in a training exercise, target practice or ordinary weapon maintenance in accordance with the rules of the police force.

9. Despite section 8, a member of a police force may discharge a handgun or other firearm,
(a) to call for assistance in a critical situation, if there is no reasonable alternative; or
(b) to destroy an animal that is potentially dangerous or is so badly injured that humanity dictates that its suffering be ended.

9.1 (1) Unless otherwise directed by the board, the chief of police or a superior officer, a member of a police force who is accompanying and supervising an auxiliary member of the police force may issue a firearm to the auxiliary member if he or she believes, on reasonable grounds, that they are entering into a situation in which it is necessary that the auxiliary member be armed to protect against loss of life or serious bodily harm.

(2) Sections 4 to 9, sections 10 and 11 and sections 12.2 to 12.5 apply to an auxiliary member to whom a firearm is issued under subsection (1).

10. Where a member of a police force, other than the Commissioner or chief of police, unintentionally or intentionally, except on a target range or in the course of ordinary weapon maintenance, discharges his firearm, the Commissioner or chief of police, as the case may be, shall immediately cause an investigation to be made into the circumstances. R.R.O. 1980, Reg. 790, s. 10.

11. (1) Where a member of a police force, other than the Commissioner or chief of police, by the discharge of a firearm in the performance of his duty, kills or injures another person, the Commissioner or chief of police, as the case may be, shall immediately cause an investigation to be made into the circumstances.

(2) A report on the investigation shall be submitted,
(a) to the Solicitor General, in the case of an investigation by the Commissioner; or
(b) to the board, in the case of an investigation by the chief of police.
(3) The Solicitor General or the board shall, as soon as practicable, review the report and make such further inquiries as the Solicitor General or the board considers appropriate.

(4) The board shall file with the Solicitor General a copy of any report submitted to it under subsection (2), together with a report on any additional inquiries made by the board.

(5) If the Commissioner discharges a firearm in the performance of his or her duty, the Commissioner shall promptly report the matter to the Solicitor General and the Solicitor General shall cause an investigation to be made into the circumstances.

(6) If a chief of police discharges a firearm in the performance of his or her duty, the chief of police shall promptly report the matter to the board and the board shall cause an investigation to be made into the circumstances and shall file a report on the investigation with the Solicitor General.

The use of force provisions within the province of Ontario are similar in nature to those that exist with British Columbia. Deadly force can only be used to protect against the loss of life or serious bodily harm. Noticeably absent from the Ontario legislation are provisions governing the use of deadly force when dealing with fleeing felons. The drafters of the legislation appear to have deliberately avoided the topic instead choosing to implement several provisions that relate to a police officer's "responsibilities and accountability". However, section 8 does appear to address this issue indirectly. The remaining sections that relate to the use of force have been drafted in a language advocating control, regulation and reporting.

**United States of America: Law and Policy**

U.S. empirical studies and U.S. legal policies indicate several fundamental differences between Canada and the United States of America. The most prominent of these differences can be found in each of the two nation's Constitutional documents. The American Constitution and
accompanying Bill of Rights are substantially different from Canada’s recently enacted Charter of Rights and Freedoms.

Another significant difference exists within the federal legal systems of each nation. In the U.S., the Federal system provides substantial criminal law powers to individual states allowing for varying degrees of criminal legislation, law enforcement and punishment. In Canada, the Federal government has exclusive jurisdiction to enact and regulate criminal matters. Individual provinces have some limited influence into police matters by directing and shaping police related policies and regulations. However these policies and regulations must exist within the parameters of federal legislation.

Another important difference between the two nations is that the police use of deadly force is far more of a concern in the U.S. than in Canada. In absolute numbers, as well as proportionately, far more people die by legal intervention in the United States than in Canada. On average, one person is killed by law enforcement officers every day in the United States. In Canada, there are approximately ten deaths by legal intervention each year. Upon adjusting for population figures, the number of deaths by legal intervention within the United States continues to be over three times higher than the corresponding number of legal intervention deaths within Canada (Chappell & Graham, 1985:5-6).

State Law Justifying the Use of Deadly Force by Police

In the United States, there is very little controversy surrounding the legal or ethical issues associated with the use of deadly force in self defence or in the defence of others. This appears to be largely due to the wide-spread use of deadly force by police officers and members of the public in self-defence issues (McIntyre, 1989:51-53). Although considered a serious act with significant overtones, grand juries within the United States have generally concluded that shootings by police officers are justifiable. State legislatures and the courts, with citizen input, have adopted a myriad of policy guidelines outlining when the taking of human life is acceptable (Matulia, 1985:17).

The controversy surrounding the use of deadly force by the police in the United States has occurred in the specific area of “effecting an arrest”. The issue of fleeing felons and the justification of
taking a life came to a turning point in the 1985 case of \textit{Tennessee v. Gamer}. Prior to March 27, 1985, there were basically three standards of conduct controlling police use of deadly force within the United States of America. Common law, Modified Common Law and the Model Penal Code (a guideline for legislation among American states) served to direct and limit homicide by legal intervention.

\textbf{Common Law}

Prior to 1985, this definition was codified, existing in several states as:

"The arresting officer must have probable cause to believe that a felony has been committed and that the person to be arrested committed it; the arresting officer must give the defendant notice of his intention to arrest, and, the defendant flees or forcibly resists and whatever force the officer uses must be necessary to effect the arrest." (Mcintyre,1989:52-53)

However, in March of 1985, the United States Supreme Court essentially overturned the common-law rule. The landmark decision rendered in \textit{Tennessee v. Gamer}, 471 U.S. 1, 85 L.Ed.2d 1, 105 S.Ct. 1694 (1985) involved the shooting death of a black, 15-year-old male who was suspected of breaking into a residence at night. The youth was observed by a black Memphis police officer as he attempted to escape over a wall at the rear of the residence. The officer was aware that the youth was unarmed and ordered him to halt. Upon failing to do so the police officer shot and killed the youth to prevent his escape.

At trial, the Supreme Court rejected the common law rule that allowed deadly force in the making of an arrest, even for a property crime such as break and enter. The Supreme Court decision set the tone for the use of force throughout the United States by stating:

"The use of deadly force to prevent escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable. It is not better that all felony suspects die than that they escape. When a suspect poses no
immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so."

**Modified Common Law**

Several states adopted a "modified" common law approach to the deadly force issue through statutes. These states permit the use of deadly force to effect the arrest of a person when she/he is:

- attempting to escape from justice by use of a deadly weapon, or
- who otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay; or
- who has committed a "dangerous or atrocious" felony (dangerous or atrocious being generally defined to include murder, arson, mayhem, burglary, aggravated assault, rape, kidnap, extortion, or robbery.) (Matulia, 1985:18)

**The Model Penal Code**

In the early 1960's, the American Law Institute proposed a Model Penal Code dealing with the use of deadly force. By 1985, only two states had adopted the complete Model Penal Code, while an additional twenty states had adopted various forms of it (Matulia, 1985:19). The Model Penal Code allows the use of deadly force to effect an arrest:

"for a felony only if the officer, or someone assisting the peace officer, believes the use of force creates no substantial risk of injury to innocent persons, and the officer believes the crime for which the arrest is being made involved conduct including the use or threatened use of deadly force, or the officer believes that there is a substantial risk that the person to be arrested will cause death or serious bodily harm if apprehension is delayed". (Matulia, 1985:19)
The Model Penal Code also provides for the use of deadly force by a guard or other peace officer which she/he believes to be immediately necessary to prevent the escape of a person from a jail, prison or other institution for the detention of persons charged with or convicted of a crime. Deadly force to prevent the commission of a crime is allowed by the Model Penal Code only if:

"the officer believes that there is a substantial risk that the person whom he seeks to prevent from committing a crime will cause death or serious bodily harm to another unless the commission of the consummation of the crime is prevented and that the use of such force presents no substantial risk or injury to innocent persons; or

"the officer believes that the use of such force is necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse and warned, in any particular manner that the law may require, that such force will be used if they do not obey." (Matulia, 1985: 19)

Summary

In conclusion, caution must be used when comparing legal issues of justifiable homicide in Canada and the United States. The complexities of American law that govern the use of deadly force vary from state to state. The noted Modified Common Law and the Model Penal Code exist in a variety of forms within the United States of America. At best, the laws within the United States can be considered to be loosely similar to Canadian legislation.

Within British Columbia, there has been a recent trend towards the development of cohesive standards and policies surrounding the issue of police use of force. The B.C. Association of Chiefs of Police, in conjunction with the B.C. Police Commission, have made considerable in-roads into regulating and directing the use of deadly force by municipal police officers.

Unfortunately, the various agencies and government bureaucracies within this province have not yet been able to establish the legal and administrative structure that is necessary, if incidents of police use of force are to be documented and analyzed. Presently there are twelve municipal police
departments and various other independent police agencies within the province, each lacking the co-
ordination that is required if this subject is to be fully studied and researched. The regulations, policies
and procedures that have been recently enacted exist within a vacuum of documentation and
Canadian research.

As stated, virtually all of the research surrounding the issue of police use of deadly force is
based upon studies conducted within the United States of America. The chapter to follow introduces
the reader to several of these American studies including the theoretical framework surrounding police
use of deadly force.
Chapter Two:

Theoretical Approaches
Introduction

Research on police use of deadly force first appeared in the early 1960's with the publication of studies that focused upon situational characteristics such as the time of day, shooting distance, type of initial contact and other technical considerations (Schade, Bruns, Morrison, 1989). As stated, the vast majority of the research that exists to this day has been conducted in the United States of America. Since the 1970's, the majority of deadly force research has centred on limiting the use of deadly force (Matulia, 1985; J.I.B.C., 1992; Geller & Scott, 1992). Methods of limiting the use of deadly force that have been suggested include (1) changes in policy governing its application; (2) control strategies through the establishment of review boards; (3) appropriate recruit selection; (4) compliance tools that offer alternatives to deadly force and (5) intensive training at both the recruit and in-service levels.

Researchers have also attempted to explain the underlying reasons for police use of deadly force. In their attempts they have generated a number of theoretical perspectives, each providing a viewpoint that must be considered within the unique circumstances of the lethal force incident. For the purpose of this paper, these perspectives have been categorized as (1) predictors, (2) physiological changes, (3) stressors, (4) individual characteristics, (5) variable relationships, (6) victimology and (7) theories of violence.

Predictors Of Deadly Force

In an attempt to assemble much of the salient information known to researchers regarding this topic, Geller and Scott (1992) have compiled a book of some 600 pages entitled "Deadly Force: What We Know: A Practitioner's Desk Reference on Police-Involved Shootings". In their book, the authors note four categories of predictors that often combine to influence the use of deadly force by police officers:

- **The attributes of the participants are key factors in determining the use of deadly force.** In relation to the suspect, this includes the age, gender, demeanour and racial origin of the individual. In regards to the police officer this includes whether a partner was present, if the partner was a female police officer and if the partner was a rookie.
- The attributes of the setting are additional key factors involved in police shootings. This includes the lighting at the time and whether it was daylight or at night; the location of the incident; public verses private domain; the weather at the time including the specific issue of rain; the physical distance of the officer to the suspect and whether the police officer had the availability of cover; and finally, whether the officer had an unobstructed and apparently safe shot at the suspect.

- The actions, intentions and resources of the suspect serve as yet another important factor in the use of deadly force. This includes the question of whether the suspect is uncooperative, unresponsive, rude or perceived as being mentally deranged by the police officer. Further salient factors include whether the suspect is in possession of a weapon; whether it is a weapon of superior firepower; whether the weapon is pointed at the police officer; whether the suspect fires the weapon at the officer. Additional factors include the issue of whether the suspect is committing a serious crime; whether there are more suspects than police officers at the scene; whether the suspect demonstrated an intention to harm an individual; and whether the suspect has been seen exiting a building. These situational factors are more likely to cause a police officer to utilize deadly force.

- Finally deadly force may be deployed when there are "other" predictors. These predictors occur when alternatives to a gun are utilized by the suspect. This includes whether the officer perceives their life or that of another individual to be threatened by the suspect.

**Physiological Changes**

Geller & Scott note that, in some instances, the police officer is forced to react within seconds and there is little that the involved officers could have done differently to alter their encounter. However, an officer engaged in a life-and-death fight will experience a variety of perceptual alterations. Tunnel vision may occur which in effect nullifies the officer's peripheral vision. The officer may require this vision in order to see other dangers, other alternatives to deadly force or to appreciate the presence of innocent bystanders.
Researchers have cited "time distortions" and "increased auditory and visual acuity" among other physiological effects of high-stress confrontations. The physiological changes (more commonly known as the "fight or flight syndrome") are intrinsic within human beings, acting as a survival mechanism. Murray and Zentner (1975) note that the "alarm stage" is an instantaneous, short-term, life-preserving and total-sympathetic-nervous-system response that occurs when a person consciously or unconsciously perceives a danger-inducing stressor.

Upon stimulating the sympathetic nervous system, epinephrine is released from the adrenal medulla and, at the adrenergic nerve endings, is transported to target areas. The cardiovascular rate and output are increased, making more blood available. At the same time, the blood supply is shunted to the brain, heart and skeletal muscles. The respiratory rate and depth are increased to ensure adequate oxygenation. The individual's metabolism is increased up to 150 percent, providing immediate energy and producing more body heat. Muscle tone is increased so that activities may be better co-ordinated. Pupils dilate so that maximum light can be used in viewing the situation. Vision is initially sharp. Finally, less essential functions such as digestion and excretion are diminished and sphincters tighten (Murray & Zentner, 1975:161).

These physiological changes enable the individual to act appropriately upon being faced with a perceived danger. However, Murray and Zentner note there are times when, with the intensification of stress, opposite physiological changes can occur. Cardiovascular output may diminish and respiration may become difficult with hyperventilation and dizziness occurring. The person may feel nauseated and hungry, muscle tone may relax to the extent that incoordination results. Pupil dilation may become fixed causing blurred vision. Finally, an individual's sphincter tone may diminish to the extent that involuntary defecation or urination occurs (Murray & Zentner, 1975:162).

Individual officers who have been involved in shootings have detailed how the often split-second incident appeared to unfold in "slow motion" with their only focus being upon the actions of the assailant. In most cases, the police officers have responded to the perceived threat in an "automatic" manner, based upon their repeated training in dealing with life-threatening situations. In the vast
majority of cases, a potentially violent encounter will develop into a lethally violent situation in just a matter of seconds.

The perceptual alterations that occurred within the officer (usually within seconds) are frequently met in an equal amount of time by the deployment of deadly force. This situation has typically caused police investigators and external reviewers such as the courts to take the view that it would be unrealistic and unfair to expect that a police officer, facing a perceived threat to their life or another individual, must take the "time" to explore all the options and variables present. Owing to the dynamics of a typical shooting situation both the police and courts have tended to view any controversial hindsight as being unrealistic.

However, this is not to say that police officers should be relieved of their obligation to check for specific factors as they approach the scene of a potentially violent encounter. Researchers have noted that a key factor in increasing the amount of time available to an officer is by the training in violence reduction. Police officers should not only be trained but practice on a regular basis the sizing up of a scene upon their arrival. This would include an analysis of such issues as deciding upon how, and when, to enter a situation, what precautions to take including developing a habit for checking in-progress crime scenes with a view to identifying dangers, options and bystanders (Geller & Scott, 1992). The police officer must invoke information-gathering and tactical decision making prior to the onset of a violent encounter. The rapid timing and physiological effects that occur during the violent encounter tend to indicate that there are few, if any, alternatives to deadly force.

**Stressors**

Stress is a physical and emotional state that is always present in a person but is intensified when environmental change or threat occurs to which the individual must respond. An individual's survival depends upon constant negotiation between environmental demands and the person's own adaptive capacities (Murray & Zentner, 1975:160). Human performance under adverse conditions has been the focus of research for a number of years. Schade, Bruns and Morrison (1989) state that experimentation and observational examination of threat, stress, and anxiety suggest that elevated
stress levels negatively affect any performance. These authors note that physical and social settings serve to heighten anxiety including dark or poorly lit places; high crime and violence areas; angry or upset people and non-supportive social structures. While these factors affect all individuals, police officers are likely to experience even higher levels of anxiety as they often have little choice in entering a dangerous situation.

In the 1990's, the perception exists that police agencies within North America are faced with rising violent crime rates, an ineffective criminal justice system and offenders who typically are armed with superior weaponry. Added to this situation, technology has created cheap and effective monitoring devices available to all members of the public. Police officers are not only expected to uphold the law but their very behaviour in doing so is frequently monitored and criticized (Skolnick & Fyfe, 1993).

These are but some of the factors that have created a level of occupational stress that in many instances has resulted in the police perceiving themselves as being "trapped" (Skolnick & Fyfe, 1993). Modern day police agencies are faced with having to deal with both contemporary crime problems and a general public who often expect immediate solutions to problems that are deeply rooted within society. These solutions must be achieved within the parameters of legislation, constitutional guarantees and the complexities of our criminal justice system. The police are additionally expected to maintain a level of service that is considered to be both professional and accountable to all individuals within society.

Further stressors include the recent deinstitutionalization of the mentally ill and the increased usage of hallucinogenic drugs such as PCP (Phencyclidine). These two factors alone have forced the police to deal with more disturbed and violent individuals. The wide spread usage of the drug cocaine has also added to this situation, frequently causing the user to be aggressive and violent. Police officers, more than ever before, are likely to encounter violent or deranged individuals on a frequent basis. In the last ten years, large numbers of distressed individuals suffering from diseases such as schizophrenia have been released from institutions. Many of these individuals are now living on the streets and are frequently encountered by the police (Geller & Scott, 1992).
The behaviour exhibited by a mentally ill individual can easily be misinterpreted as an aggressive act, indicating the requirement for the use of force. In many instances, police officers must be able to assess and interpret the cues of an individual (often within seconds) in order to ascertain the correct procedure in dealing with him or her. For example, a mentally distressed individual waving a knife in the air, while shouting and raging, may be “talked down” by a police officer using verbal communication techniques. However this same mentally distressed individual may cause another officer to perceive that his or her life is in danger thereby requiring the use of deadly force. Police officers are now increasingly placed in the precarious situation of being required to assess correctly and instantaneously the people they confront on the street.

Finally, these events have been exacerbated by the perception that the corrections system releases untreated dangerous offenders prematurely into the community. The prognosis for many of these individuals is that they will offend once again. Nevertheless, legislation requires that offenders be released into society upon the completion of their sentence. This situation further serves to intensify both the fear and stress level of individual police officers (I.A.C.P., 1990). The police may unknowingly have to deal with a released dangerous offender, an individual who has demonstrated the potential for violence.

In summation, these realistic “street” conditions, within the United States and to some extent in Canada, have caused the police to be preoccupied continually with potential violence. Skolnick (1966) stated that in reaction to the pressures they face, police officers develop a “perceptual shorthand” to identify certain kinds of people as “symbolic assailants”. These symbolic assailants are individuals who use specific gestures, language and attire that the officer has come to recognize as a prelude to violence. This may also apply to symbolic settings which the officer has come to recognize as having the potential for danger.

The responding police officer’s arousal level will be heightened upon confronting a perceived symbolic situation. This recognition and arousal pattern may serve to “trigger” the use of deadly force, whether it is actually required or not. An officer’s preconceived expectation may serve to alter facts, thereby creating an improper situational assessment and response. Symbolic situations may
additionally provoke fear within an individual officer. This fear may include the fear of serious injury, fear of disability or fear of death (I.A.C.P., 1990). The International Association Of Chiefs Of Police authors state that the dynamics of fear only become destructive when an officer becomes fixed on a perceived threat to the point of powerlessness, rather than upon the means for countering the threat. The authors suggest that individual officers must face their fears by utilizing training as a means of constructively addressing their fears.

In conclusion, the noted levels of stress and fear faced by police officers may serve as explanatory variables in police use of deadly force. An officer who perceives a threat will act on that perception. The physiological and psychological changes that occur to police officers under stress may also serve as important factors in an officer’s decision to deploy deadly force.

**Individual Characteristics**

Further explanations for police use of deadly force may be found within a police officer’s level of service as well as their specific gender and race. A recent study examined the correlation between these variables and the timely and untimely unholstering and firing of an officer’s weapon. Doerner, 1991, utilized a Reaction Time Stimulator (a computerized movie projector with a standard weapon retrofitted with a laser emitting device) to measure the reaction of officers in drawing their weapons during specific scenarios.

The study involved 56 police officers who were exposed to eight different scenarios by way of the simulator. The research findings revealed that the police officers drew their weapon before a threat materialized in 28 percent of the incidents. However, in only 5 percent of the incidents did a premature shooting take place. Also noteworthy was the fact that inexperienced rookie officers were more likely to display a weapon prematurely than were experienced officers. Female officers displayed a tendency to keep their weapon holstered longer than their male counterparts although gender differences were not statistically significant. An officer’s race did not affect the degree of unholstering that took place.
Another interesting aspect of this study is that shooting accuracy declined with the length of time it took to unholster a weapon. Those individuals who were slow in unholstering their weapon were more likely to miss the simulated assailant or were unable to return fire once an attack had commenced. The results from this study can be interpreted to reveal that, while experienced officers may be less likely to use deadly force they be more likely to be killed or wounded by an assailant.

The findings of this study also emphasize the importance of the recruiting process for police applicants and the training of in-service police personnel. Inexperienced officers were more likely to display their weapon than seasoned officers. This is a significant finding as experienced officers have generally received less formal training than contemporary recruits. Also significant is that these officers have not been trained for several years. The characteristics of the recruited applicant as well as the intensity and specifics of recruit training may prove to be variables related to the use of deadly force.

In another study, Croft (1985) examined the police use of force from 1973 through 1979 in Rochester, New York. An analysis of over 2,000 reported use of force incidents depicted police use of force as being infrequent, occurring in less than two percent of all arrests. The results also indicated that police are not selective in using force in relation to the suspect's age, gender or race. However, this study indicated that a high proportion of the persons encountered by the police were emotionally disturbed, deranged or intoxicated. The data also indicated that police officers require alternatives to using force. In many cases there was a need for further police training in areas such as crisis intervention and interpersonal communication and sensitivity skills.

This study also indicated that, in measuring the officer's performance and personal characteristics, the most significant factors that emerged to influence the level of force used were the officer's age and length of service. Those individuals who utilized high levels of force tended to be significantly younger in age and had fewer years of police experience. This would tend to indicate that individuals should be recruited into policing at a later age and that recruit training should last longer. This would also suggest that those individuals recruited at a younger age should not be placed in situations where they may encounter a perceived threat. A practical means of solving this situation
would be to place those young officers in a partnership with seasoned veteran officers. A competent and experienced partner would likely circumvent the negative attributes of youth and inexperience.

The principal advantage of recruiting mature individuals is that they are more likely to have acquired significant life skills prior to joining the police. An individual with a greater experience of life skills would arguably be more capable of coping with the various stressors of police work. Based upon this study, life skills also appear to be an important factor in allowing the officer to empathize with many of the troubled individuals encountered by the police. In summary, length of service, maturity and general life experience may additionally serve as important factors in explaining police use of deadly force.

Variable Relationships

In his 1985 paper, "A Balance Of Forces", Kenneth Matulia specifically explores the different variable relationships of justifiable homicide by police. Matulia eventually concludes that the frequency of justifiable homicide by police officers is related to the level of crime and violence within a community. In presenting this thesis Matulia discusses several other possible explanations for police use of deadly force within the United States of America. Noteworthy among these explanations are:

1) Societal factors, such as the emphasis on gun ownership in the United States, combined with equal public sentiments against ownership registration, contribute to police having to resort to deadly force.

2) Police use of violence can also be argued to be a culturally determined characteristic. This point is argued in that the variation among states, in the rates of police use of deadly force, significantly correlates with public rates of violence. (Southern states within the U.S.A. typically have a higher level of both public violence and police use of deadly force.)

3) Research has indicated that violence by police is situational in nature. There is a unique set of dynamics of personality, stress and danger that is particular to each situation.

4) There is a significant relationship between police use of force and the amount of stress encountered by a police officer in a given situation. It has been argued that police officers tend to overreact and overcompensate with excessive force under extremely stressful situations in order to suppress
personal feelings of insecurity and fear. The physical beating of Rodney King by the L.A. Police department serves as an example of how this could occur (Skolnick & Fyfe, 1993:1). A high-speed chase involving a vehicle with several occupants suddenly comes to a stop. The driver is a large male under the influence of drugs. Police overreact and overcompensate with excessive force due to the series of events that have occurred. The stress and fear levels of an individual may trigger physiological as well as psychological factors that eventually facilitate the use of excessive force.

Finally, Matulia also focuses upon seven other possible variable relationships regarding justifiable homicide by police:

**Population** - The population density, stability and ratio of police officers to the public are considered significant to the level of police use of deadly force. For example, in British Columbia, the police to population ratio is approximately 1:650 (Police Services, 1994). Matulia findings revealed a positive correlation of the police: population ratio to the rate of justifiable homicide. The higher the police: population ratio, the higher the rate of justifiable homicide.

**Recession** - Psychologists and sociologists have suggested that crime and unemployment are directly related. Matulia also argues that the relationship of violent crime to the rate of justifiable homicide is positively correlated.

**Criminal Rehabilitation** - Matulia presents the position that the entire concept of criminal apprehension, adjudication and rehabilitation appear to be a failure. As a result, police officers must repeatedly confront individuals who have previously demonstrated their disregard for law and order. Police are, therefore, increasingly placed in situations that require them to deal with hardened violent offenders. These individuals are well aware of the consequences of being confronted by the police and will resort to extreme methods to avoid apprehension.

**Firearms Abuse** - F.B.I. uniform Crime reports in 1993 indicate that over 60 percent of all murders and 40 percent of all robberies within the United States were committed with firearms. Additionally, 94 percent of the law enforcement officers killed were slain with a firearm. If these instruments of
violence were more difficult to obtain then it is likely that both crime and deadly force encounters by 
the police would be reduced.

Crime - Reported crime statistics for 1993 indicate that in the United States over 24,500 murders, 
104,800 rapes and 659,000 robberies occurred (Sourcebook,1994). The rate and extremity of crime 
serves as an indicator of the deadly force encounters to be expected by the police. Fyfe (1986) 
supported this position in his cross-sectional microanalysis of police shooting within New York City. 
Fyfe noted a strong correlation between the rates of police shootings and the incidence of criminal 
homicide. The most recent homicide data, from 1994, shows an average of 2.04 individuals per 
100,000 were killed in Canada (Statistics Canada,1995). This is compared with 9.03 individuals per 
100,000 individuals killed during 1993 in the United States of America (Sourcebook,1994).

Community Culture - Matulia states that there is every indication that community attitudes towards 
crime and violence are closely related to the rates of justifiable homicide by the police. To illustrate 
this point, Matulia notes that the highest rate of violent crime in the United States has traditionally 
been in the southern states. He also notes that guns are most common in this area as well as the fact 
that southern states account for the highest percentage of officers killed and the highest percentage of 
justifiable homicide by the police. This point can also be used to illustrate the difference in crime rates 
between Canada and the United States. Canadians are typically more conservative and have 
traditionally had a lower rate of violent crime than our neighbours to the south. The social, cultural and 
historical forces of a geographic area influence and direct the associated levels of violence.

The issue of community culture and police use of deadly force is further emphasized by 
police officers who must cope with the constant threat of a violent society. The F.B.I.'s Uniform Crime 
Reports for 1991 indicate that 71 officers in the United States were murdered by an assailant while 
another 62,852 were assaulted in the line of duty. The F.B.I. also noted that nation-wide, in 1991, an 
average of 16 out of every 100 law enforcement officers had been assaulted (Sourcebook,1994). 
Many of the cases in which police are confronted with uncooperative suspects who either verbally or 
physically resist the officer are never reported. These situations have the potential to escalate into 
more serious situations that may result in the use of force, including lethal force.
Race - A review of United States literature suggests that racial discrimination may be a major cause of justifiable homicide by the police in America. However, Matulia's findings revealed that while there may be racial prejudice within some members of the police system, prejudice alone does not explain the disproportionate level of black homicide victims. Matulia argues that police use of deadly force has a direct relationship to the conditions that are prevalent in communities that police officers encounter. Specifically he notes that blacks are over-represented as persons arrested for homicide, robbery, violent crimes and weapons offences.

As Matulia points out, the black population within the United States is statistically over-represented in criminal activity. The greater likelihood of their being in conflict with the law may be rooted in their socio-economic background. Poverty and long-term unemployment are seen as significant factors within the black population, forcing many individuals into a life of crime. This situation serves to greatly increase their interaction with the police and specifically use of force incidents. Also noteworthy is that police-shooting victims were generally young with a greater proportion of the black population being young (Fyfe, 1981).

Victimology

Researchers have also attempted to explain police use of deadly force by examining the role of the victim. Within the field of victimology, the interactional theory attempts to explain extreme violence by focusing upon the character of relationships. Incidents of homicide are seen as the culmination of an intense interchange between two individuals. In essence, the actions of a participant precipitate the actions of another individual resulting in death or grievous bodily harm (Wolfgang, 1958; Hepburn, 1973; Luckenbill, 1977). This interactional process can explain how the action of an individual precipitates the actions of the police officer, including the use of deadly force.

It is within the context of this theory that the phenomenon of victim-precipitated homicide (more commonly named 'suicide by cop') occurs. These terms refer to situations in which an individual engages in a suicide mission by threatening the life of a police officer or innocent bystander. The individual, bent on suicide, forces the situation until the police officer has no other option but to use
deadly force. Thus despite its name, victim-precipitated homicide is, in many instances, a form of suicide.

Geller & Scott’s (1992) analysis of this phenomenon revealed that usually these cases are difficult to discover as there is little or no documentation of the victim’s intent. Unfortunately, the actions of the victim have led to his/her demise without the benefit of a post-shooting explanation for his/her behaviour. Police investigators have equally confounded this situation by failing to examine, in detail, the root causes of the victim’s behaviour. All too often the police shooting has been explained as a “crazy person who came at the officer with a knife or a gun.” It is only within the last few years that police and conflict-management trainers, within the United States, have begun to examine and make reference to the phenomenon of victim-precipitated homicide as a cause of police shootings (Geller & Scott, 1992:315).

Researchers have noted that suicide prevention techniques and alternatives to lethal weapons must be made available to police officers, if these situations are to be minimized. However, persons who are strongly predisposed to taking their own lives may resort to extreme methods in an attempt to carry out their goal. It is well known through television, movies and literature, that police officers are trained and will deploy deadly force, with some degree of certainty, upon being confronted by a life-threatening situation. As a result, an individual predisposed to suicide may confront the police with a knife or other weapon, advancing upon and forcing the officer to utilize lethal force. An extreme individual may even confront the police with a loaded firearm or discharge their weapon at the police, in the hope of being killed. These situations would provide few, if any, options for the attending officers except to respond with deadly force.

Unfortunately there has been very little research in this area. The research that presently exists is based upon a minimal number of United States police shooting incidents and is of an anecdotal nature.

**Theories Of Violence**

In exploring explanations for police use of deadly force, the research literature also depicts three competing theories to explain the changing patterns of extreme violence (such as homicide)
among community members, across time and geography (Geller and Scott, 1992:89-90). These theories adopt an integrated approach in that it is assumed that a combination of social and psychological factors causes persons to commit violent crimes. In explaining, to some extent, the varying levels of violence against police it may also be possible to explain variations in the nature of police shootings.

One of the most widely cited explanatory theories of violence is the "subculture of violence" concept pioneered by Wolfgang and Ferracuti (1967). The position is taken that, within different communities, there exist "subculture(s) with a cluster of values that support and encourage the overt use of force in interpersonal relations and group interactions". These authors further argue that this subcultural normative system is localized within the lower social class of society (Wolfgang & Ferracuti, 1967:11). In completing their hypothesis, seven principal propositions of their theory are emphasized:

1. No subculture can be totally different from or totally in conflict with the society of which it is a part.

2. To establish the existence of a subculture of violence does not require that the actors sharing in this basic value element express violence in all situations.

3. The potential resort or willingness to resort to violence in a variety of situations emphasizes the penetrating and diffusive nature of this culture theme.

4. The subcultural ethos of violence may be shared by all ages in a subsociety, but this ethos is most prominent in a limited age group ranging from late adolescence to middle age.

5. The counter-norm is non-violence.

6. The development of favourable attitudes toward, and the use of, violence in this subculture involve learned behaviour and a process of differential learning, association, or identification.

7. The use of violence in a subculture is not necessarily viewed as illicit conduct, and the users therefore do not have to deal with feelings of guilt about their aggression.

The authors qualify their hypothesis by making a distinction between 'idiopathic' and 'normative prescribed' violent crimes. Idiopathic violent crimes are typically committed by individuals who are from the middle or upper social class and, significantly, suffer from some major psychopathology. Normatively violent crimes are those crimes that are usually committed by individuals of the lower classes and who are members of a subculture of violence. Wolfgang & Ferracuti estimate that less than 10 per cent of the violent crimes committed are idiopathic in nature. The vast majority of the violent crimes committed are by those individuals within the scope of their subculture of violence theory (Wolfgang & Ferracuti, 1967:140-141).

Wolfgang & Ferracuti's hypothesis may offer some explanation for police-shooting frequencies and geographic locations. Within the subculture of violence theory, it may be assumed that individuals predisposed to violent criminal activities will engage in contact with the police more frequently. In combination with the greater degree of contact, their disposition towards violence will likely serve to precipitate the actions of a police officer, resulting in greater frequencies of deadly force.

In addition to the subculture of violence theory, Geller & Scott (1992) note that the "structural" theory asserts the influence of "broad-scale social forces such as lack of opportunity, institutional racism, persistent poverty, demographic transitions and population density all combining to determine homicide rates. These forces operate independently of human cognition and do not require individual learning to explain their impact." As stated, Fyfe's (1986) examination of criminal homicide for New York City revealed that a high rate of criminal homicide in an area will also experience a high rate of police use of deadly force.

**Interactional Violence**

The third prominent theory used to explain extreme violence is the interactional theory. As stated, the interactional theory focuses upon the "character of relationships" between the players involved. It is the makeup of these relationships that may ultimately result in homicide. Homicide is
seen as resulting from the interaction process itself. The actions of a participant precipitate the acts of another (e.g. police officer) ultimately escalating the conflict until homicide occurs (Wolfgang, 1958; Goffman, 1967; Gelles, 1972; Hepbum, 1973; Luckenbill, 1977). Therefore, acts of violence are not random occurrences. Violent behaviour is constructed within a situation, involving two or more persons, through a process of interaction. It is noteworthy that the concept of victim-precipitated homicide has theoretically been outlined for several years.

Marvin Wolfgang (1958:252) states:

"The role of the victim is characterized by his/her having been the first in the homicide drama to use physical force directed against his/her slayer. The victim-precipitated cases are those in which the victim was the first to show and use a deadly weapon, to strike a blow in an altercation – in short, the first to commence the interplay or resort to physical violence."

Hepbum (1973) goes on to state that there are at least five interdependent factors that are critical in triggering the initiation of violence. Adopting Wolfgang & Ferracuti's theory, Hepbum argues that the first of these factors is the pervasive norm of violence known as the subculture of violence. The use of violence is assumed to be a legitimate and acceptable solution to the threatening situation. Hepbum (1973:424) states:

A pervasive norm of violence within segments of the population would condone its use as an available, short-term, and acceptable solution to the threatening solution. This is not to maintain that a violent response will only occur within such a subculture; rather, a violent response as a mechanism of problem-solving and threat-reduction is more likely to occur within such a normative framework.

The second factor in the initiation of violence is experience. Previous experience by an offender, in similar situations, is an important factor. An individual who has been successful with violence in the past is likely to consider it a viable alternative to the present situation. It is not merely prior success with violence but rather prior success in similar situations.
Thirdly, **intoxicants**, especially alcohol, are present in over half of the encounters terminating in violence (Wolfgang and Ferracuti, 1967). Hepburn notes that one of the major effects of intoxicants is a reduction in the level of cognitive skills. The individual, who perceives a threat and is under the influence of an intoxicant, will have a diminished capacity for viable threat-reducing tactics. Unable to retaliate with verbalization, the intoxicated person may resort to some other technique of establishing identity and saving face.

The fourth factor found within the initiation of violence is the presence of an **audience**. The overt and/or covert support of bystanders to the interaction will influence violent behaviour. In deciding how to react to the perceived threat, the individual may feel accountable for the expectations of bystanders or persons who are present. Their presence may influence the alternatives perceived and the degree of commitment to the level of action to be taken. The use of violence is more likely to occur when the individual believes that violence is also perceived by the audience as an acceptable and available alternative.

The final factor noted by Hepburn in the initiation of violence is the **cost of failure**. Those who perceive the need for successful retaliation, but whose verbal and non-physical methods fall short, will resort to violence.

“The cost of anything short of victory is greater for those who are attempting to maintain the few positively valued identities they do hold . . . . . The lower socio-economic status individual must preserve his few positive identities at all cost and violent face-saving efforts are supported by subcultural norms.” (Hepburn, 1973:426)

Luckenbill (1977) points out that the most severe form of violence, murder, takes a sequential form. In his analysis of seventy murder cases, it was noted that in every case the killing was a culmination of an interchange between the offender and the ‘target’ (victim). The transaction of violence would occur in a sequential form. The target would act in a manner that the offender deemed to be offensive. In response, the offender would typically retaliate with a verbal or physical challenge.
These events would establish a "working" agreement favouring the use of violence. A battle would then ensue leaving the target dead or dying (Best & Luckenbill, 1982:161-166).

In applying Luckenbill’s theory to police use of deadly force, the police officer would typically take on the role of the target. A police officer attending the scene of a crime or attempting to intervene in a violent situation frequently assumes the role of the target or “offensive individual”. A person committing a crime or a questionable act, immediately identifies the police officer as being a threat to their goal. It becomes apparent to both the target (police officer) and the offender (suspect) that the participants in this interaction process favour opposing outcomes based upon their different interests. The responding police officer, if allowed to fulfil his/her role, will not only terminate the offender’s progress towards his/her goal but will also likely hold the offender accountable for his or her actions. In many instances, this accountability, in a court of law, will equate to consequences that will involve punishment, including the possibility of imprisonment.

As a result, a situation unfolds that serves to generate hostility resulting in a violent conflict. It is within this framework that the offender retaliates with the use of violence being defined as a suitable means for settling the confrontation. Rather than surrender or comply with requests of the law enforcement officer, it is the offender who dictates the use of violence. The offender’s actions, or inaction, will ultimately determine what level of force is required by the police officer. Should the offender choose to use potential lethal force or grievous bodily harm against the officer or another individual, then the police must respond appropriately to the perceived threat.

It is in these extreme cases that a battle will ensue, typically leaving the target dead or dying and the offender victorious. However, in the vast majority of instances involving police officers, the outcome of the interaction reverses with the offender being shot dead or dying. The reversal of the outcome can be largely attributed to the capabilities of the police officer who is trained and equipped to deploy deadly force within strict parameters. However, had the offender been challenged by a non-trained and non-equipped individual, with a battle ensuing, it is very likely that the offender would have triumphed during the encounter, leaving the intervening target dead or dying. For example, if an
unarmed security guard or a concerned citizen were to intervene during an armed robbery, it is very likely that he/she would be shot and killed by the offender (suspect).

Unfortunately, there are also those instances in which trained and equipped police officers fail to respond appropriately to a violent offender. In these interactions the offender is victorious, killing or wounding a police officer in the performance of his/her duties. Tragically, the police officer would be alive if he/she had not engaged or interacted with the offender. However, the occupation of a police officer requires the individual to enter into situations from which most people would leave. As a result of this precarious situation, the occupation of a police officer remains one of the few professions in which an individual can die or be wounded, owing to an act of social aggression.

Luckenbill's theory emphasizes that criminal homicide is typically a situationally bound interaction and that, with the exception of police officers, the “target” is typically the loser during the violent confrontation (Luckenbill, 1977:176-186). Also important is that these situationally bound interactions enter into conflict which is typically unplanned. Thus police use of deadly force can be presented as an unplanned situationally bound interaction that is precipitated, and dictated, by the offender, once he or she is confronted by the police. In applying Luckenbill's model of violence, there are specific stages that occur in the development of police use of deadly force:

**Personal Offence**

The attendance and identification of an individual as a police officer, by uniform or otherwise, initiates the interaction process. The mere presence of the police officer(s) causes the offender to take offence. The offender may find the presence of state authorities offensive as they signal the end to his/her illegal activities and the real consequence of punishment. In the case of a psychotic or deranged individual, the police officers presence may interact with delusions or suicidal despair causing violence to escalate. Regardless, the offender interprets the target's (police officer's) contact as being personally offensive.

In many cases, the police officer is intentionally offensive, confronting the offender with an explicit intent to effect his/her arrest. However, in many other cases, particularly when dealing with
those who are suicidal, the offence is caused unwittingly. Nonetheless, it is the offender who initially interprets the police officer’s contact as being offensive.

Assessment

The offender interprets the police officers actions as being personally offensive. In the majority of instances, the police officer is intentionally offensive as he/she has a duty to prevent crime and to arrest all offenders. Luckenbill emphasizes that it is this assessment process, conducted by the offender, that will have important consequences. During this stage of the interaction process, the offender must reason as to which action to take in resolving the conflict that has arisen.

Retaliation

The offender can manage the target’s affront in several ways: excuse the target (comply with police demands or requests); leave the scene or avoid additional contact with the target (flee the police without using force or threats of violence); or retaliate by using potentially lethal force or grievous bodily harm. Luckenbill notes that offenders who take this latter course of action will typically create a transaction culminating in homicide (Best & Luckenbill, 1982:163). In retaliating, the offender expresses anger and contempt towards the target. In most cases, the offender retaliates with a verbal or physical challenge. In some cases, the offender immediately kills the target (police officer). Alternatively, the offender may physically attack the target, but without causing death or serious injury. By retaliating in violent but, non-lethal ways, the offender reveals, to the target, a definition of the situation as one in which violence is suitable for settling the interaction process.

Working Agreement

Except in those cases where the target (police officer) has been killed, the offender’s preceding actions have placed the target in a precarious situation. The target must either stand up to the challenge of the offender or flee from the scene. In the case of police officers, they are recruited, trained and paid to deal with adverse situations. Society expects police personnel to enter into situations which most individuals would avoid. Therefore, the option of fleeing is rarely a viable option for police officers. They must stand up to the offender’s challenge and, in effect, enter into a “working agreement” dictating that the situation is suited for violence. The target (police officer) may physically
retaliate against the offender by using various force options that are short of deadly force. These actions, by the target, may serve to contribute to the escalation of violence during the interaction process.

Luckenbill notes that the presence of an audience or bystanders may additionally serve to encourage violence during working agreement process. In some instances, members of the audience may actively encourage violence. In other cases, onlookers are neutral, neither encouraging nor discouraging the confrontation (Best & Luckenbill, 1982:164-165). Finally, the presence of bystanders may cause the situation to escalate as they may become, or the police officer may perceive that they may become, potential victims of the offender. This reality or perception may serve as a significant factor in the actions and level of force deployed by the officer.

**Battle**

By this stage, the opponents have a working agreement. The offender and, in many cases, the target both appear committed to battle. The situation has escalated, requiring immediate resolution with a commitment to a violent course of action. Luckenbill states that, at this stage, the offender locates a weapon capable of overcoming the target (police officer). In some cases, the offender already possesses the weapon; in others, he or she may leave temporarily to obtain a weapon or to transform an existing prop, such as a kitchen knife or baseball bat, into a weapon. The battle then commences, ranging from a single fatal blow to a lengthy struggle. The battle's conclusion comes with the target's collapse (Best & Luckenbill, 1982:165). However, during an interaction with a trained and equipped police officer, it is the offender who is frequently dealt with by deadly force or grievous bodily harm.

**Termination**

After the target falls, the offender may flee from the setting, voluntarily wait for the police, or be held involuntarily for the police by one or more bystanders. Luckenbill notes that when the offender and the target are acquaintances, enemies, or strangers the offender will typically flee attempting to dispose of incriminating evidence. If the murder occurs in the presence of others, the audience adopts
one of three general roles: hostile, neutral or supportive. Hostile bystanders will attempt to apprehend the offenders and assist the target, notifying the police. Neutral bystanders are in a state of shock owing to the witnessing of a killing. The offender escapes and the target dies. Supportive bystanders, who may have encouraged the violent interaction, assist the offender in his or her escape and delay notifying the police (Best & Luckenbill, 1982:165).

In summarizing the application of Luckenbill’s theory, police use of deadly force is not a one-sided transaction with the offender having a limited role in the interplay. In fact, the resulting outcome of death or grievous bodily harm is the result of a dynamic interchange between the offender, target (police officer) and bystanders. The offender and the police officer develop lines of action, each shaped by the other’s actions. A working agreement of violence is developed, sometimes implicit, often explicit. The typical outcome of the agreement, in extreme cases, is the death or wounding of the offender. However, in some instances, it is the police officer who dies at the hand of the offender.

**Symbolic Interactionalism**

A final approach to the study of violent criminal behaviour is from the ‘symbolic interactionalism’ perspective. This approach rests on the premise that an individual’s action takes place always in a situation that confronts the actor and that the actor acts on the basis of defining the situation that confronts him/her (Athens, 1980:15). The foundations of symbolic interactionism, an interpretative approach for the study of human action, are laid out by George Herbert Mead (1964, 1938, 1936) and Herbert Blumer (1975, 1969, 1937). It is within this framework that Athens (1980) embarked upon an extensive case study in relation to the subject of violent criminality. Data were collected and analyzed based upon the interpretations that violent actors make of violent situations, the self images they hold, as well as their violent careers. Athens conducted private, informal and in-depth interviews with fifty-eight offenders convicted of violent crimes that included criminal homicide, aggravated assault, rape and robbery where the victim was seriously injured (Athens, 1980:17).
Athen's research findings suggested that violent actors do form interpretations of the situations in which they commit violent acts. Further, the interpretations that they form of these situations account for their violent actions. In all of the fifty-eight cases studied, Athens noted that the actors did at least two things. First, by interpreting the roles of their victims they implicitly or explicitly indicated to themselves the character of the victim's gestures. Secondly, by taking the role of an indifferent person, they implicitly or explicitly indicated to themselves that they ought to respond violently. Therefore Athens argues that his data indicates that violent actors self consciously construct violent plans of action before they commit violent criminal acts (Athens, 1980:19-23). One of the cases used to illustrate this point appears in “Case 10 (criminal homicide)”:

Case 10 (criminal homicide)

'I was low on cash and had heard about a good place to make a hit. About an hour later, my friend and I were punching the safe when a real young cop came in with his gun drawn and said, "You're under arrest; put your hands up." The first thing I thought was here is ten years and I don't want to do any more fucking time. I decided then that I wasn't going to give myself up. The cop walked up closer to us and I thought about getting his gun away from him, but I wondered where his partner was. He looked nervous, scared. I thought in the back of my mind that he would not use the gun, but I didn't care either. Then I figured he didn't have any partner and about hitting him. I had to get out of the situation. When he got right up to us, I hit him with the hammer.” (Athens, 1980:24)

In his conclusion, Athens argues that the problem of violent crime centers around persons with violent indifferent perspectives. An indifferent self image provides the individual with a limited moral reluctance for acting violently towards other persons. Individuals with this self-image commit the bulk of violent criminal acts and importantly, they victim-precipitate those which they do not commit. After forming offensive violent interpretations, they make physically threatening gestures toward other individuals, who as a result form physically defensive interpretations, responding to the perceived
threat. In this way, Athens believes, individuals with violent and indifferent perspectives are responsible for the violent acts committed by persons with non-violent ones (Athens, 1980:82-82).

**Summary**

In this chapter, various approaches to explaining police use of deadly force and theories of violence have been analyzed and discussed. Throughout these various explanations it is clear that no one theory serves to explain why police use of deadly force occurs. In many instances, psychological and sociological forces combine to influence and direct the individual police officer in the deployment of deadly force. These same psychological and sociological factors may equally influence and direct the role of the victim, leading to his or her demise in a deadly force encounter.

The chapter to follow concerns the methodology used to examine those instances involving police use of deadly force within British Columbia. Unfortunately this topic has never been thoroughly studied since Chappell and Graham concluded their research in 1982. As illustrated, within this chapter, virtually all of the research and literature concerning the subject of police use of deadly force has been derived from studies within the United States of America. There is an obvious need to address the issue of police use of deadly force from a Canadian perspective, with a focus upon the province of British Columbia.

Several fundamental questions need to be addressed within this framework. First and foremost, it is necessary to establish the extent of police use of lethal and potential lethal force within this province. Specifically, how prevalent are police shootings within the province of British Columbia? What are the circumstances and dynamics surrounding these high profile incidents? How do the various theoretical perspectives, that have been discussed within this chapter, apply to police shootings within British Columbia?

Within this context, it is essential that the role of the victim be included. To what extent has the victim’s participation in this interaction process led to his or her demise? Is there a significant relationship between victim-precipitation and police use of deadly force within British Columbia? To what extent does victim-precipitated homicide, more commonly known as "suicide by cop" exist?
Even within the United States of America there has been very little research concerning the dynamics of this topic. Has this phenomenon occurred within British Columbia police shootings, and if so, to what degree? This is the central question around which this thesis revolves.
Chapter Three:

Methodology
Introduction

This research project seeks to explore and explain those incidents of police use of deadly force and potentially deadly force that have occurred within the province of British Columbia during the past fifteen years. There have been over 30 separate shooting incidents that resulted in death by legal intervention within the province of British Columbia since 1980. The municipal police departments were responsible for 15 of these shooting deaths. The data base for this research has focused on the period from 1980 through to, and including, 1994. Specifically, this examination is of those incidents in which a firearm was discharged by a member of the police, or in which it would have been legally justified for a member to do so. This research has focused upon categories of resolution utilized by police to incapacitate a perceived deadly threat including:

- those incidents in which a police officer utilized deadly force by way of discharging his/her firearm,
- those incidents in which a police officer utilized potentially deadly force by discharging his/her firearm but death did not result,
- those incidents that were resolved without the discharge of a firearm although the police officer was justified in using deadly force, as defined within the Criminal Code Of Canada.

The data surrounding the three different responses to a perceived lethal-threat were gathered by way of police reports and government documents. Government documents have included the B.C. Police Commission Annual Report on Shots Fired by Police within British Columbia and the B.C. Police Commission records pertaining to “Police Honours Night”; recipients of awards for acts of bravery and the B.C. Coroners Reports regarding the Verdict-At-Coroners-Inquest.

The Chief Constables of the municipal police departments concerned provided permission to contact those police officers who had resolved a perceived lethal-threat by way of discharging their firearm or by other means. (In some instances this protocol could not be implemented as the individual had since terminated his/her employment with the municipal department in question.) The
Chief Constables also made available their department records surrounding the incident of potential or deadly force, including details surrounding the police investigation.

Finally, those individual police officers who had discharged their firearms, or were legally justified in discharging their firearms, were contacted and interviewed following the administration of a brief questionnaire. (Members of the R.C.M.P. would not be interviewed nor would official R.C.M.P. documents be requested. The reason for this is outlined, in detail, further in this Chapter.)

Owing to the relatively small data base it was necessary to interview the maximum number of police officers from the noted categories. Issues that were examined with reference to these individuals included the following:

- The individual characteristics of the municipal police officers in British Columbia who had utilized a firearm in a manner that resulted in, or had the potential to result in, deadly force. The individual characteristics of those municipal police officers who have resolved a perceived lethal-threat without discharging their weapon.
- The age, length of service and assignment of these officers, during the incident that resulted in the discharge of their firearm or resolution of a perceived lethal-threat.
- The situational and perceived stressors during the incident of firearm discharge or perceived lethal-threat; i.e. was the officer in a high crime area, alone, dealing with a potentially dangerous situation?
- The training provided to the officer and the less-than-lethal options available to the officer at the time of the incident.
- The situational factors relevant to the incident.
- To what degree did critical incident stress affect the officer?

   (See Appendix C: Interview Structure and Appendix D Questionnaire.)

**Overview Of The Structure of Policing In British Columbia**

In British Columbia, there is a provincial police force, contracted by the Royal Canadian Mounted Police, as well as twelve "independent" municipal forces and fifty-two R.C.M.P.-contracted municipal forces. In addition, there exists a small number of "specialized" police agencies that include the Ports Canada Police as well as the native and railway police (Canadian National, Canadian Pacific and the British Columbia Railway). The combined number of "specialized" police
personnel within the province of British Columbia is small with roughly one hundred police officers employed within these various agencies.

These provincial, municipal and specialized forces provide police services to specific geographic locations within the province. Typically, the R.C.M.P. provincial force polices the rural unincorporated areas and municipalities under 5,000 in population. In addition to these contracted duties, members of the R.C.M.P. conduct federal policing by way of their official mandate.

The Police Act and Municipal Act state that when a municipality reaches 5,000 in population it must assume responsibility for its own police services. There are twelve municipalities with their own "independent" municipal police force within the province of B.C. (e.g. Vancouver, Victoria). In 1992, roughly one third of the province's population were policed by the twelve independent municipal police forces (approx. one million people). Approximately two thousand sworn municipal police officers are entrusted with the task of policing within these twelve municipalities. Municipal and native police personnel are trained at the Justice Institute of British Columbia - Police Academy, located in the city of New Westminster, B.C.. The cost of policing in these municipalities is primarily borne by the local taxpayers (Police Services, 1994).

In 1992, there were fifty-two municipalities that contracted for R.C.M.P. municipal police services. Under the terms of the agreement in place, the cost of policing these municipalities is shared between the municipality and the federal government. Approximately two thousand sworn R.C.M.P. officers are entrusted with the task of policing these fifty-two municipalities. In addition, roughly one thousand and five hundred R.C.M.P. officers provide policing as the provincial force. Finally, an additional one thousand R.C.M.P. officers serve as the federal force within the province of B.C..

In total, roughly four thousand and five hundred sworn R.C.M.P. officers, in one form or another, provide policing within the province. These federally employed and trained officers provide police services to just over two million people within British Columbia (Police Services, 1994). The initial training of R.C.M.P. personnel occurs at 'Depot Division' located in Regina, Saskatchewan.
Additional training of in-service R.C.M.P. personnel, stationed within the province of B.C., occurs at the Fairmont Academy located in Vancouver, B.C.

In 1993, a total of 6,637 police officers (both municipal and R.C.M.P.) provided policing services within the province compared with a total of 5,764 police officers in 1984 (Police Services, 1994). The increase in police personnel reflects a growth in both population and crime rate.

The crime rate is defined as the number of recorded Criminal Code offences for every 1,000 population. It is seen as an accurate measure of crime trends as it takes into account population growth. In 1984 and 1985, the crime rate within British Columbia was relatively constant at roughly 128 crimes per 1,000 population. However, by 1990, the crime rate had increased substantially to 140 offences per 1,000 population and, in 1991, the crime rate was recorded at 152 per 1,000 population (Police Services, 1994).

Violent crimes or crimes against persons increased by nearly 50% over the last ten years within British Columbia. In 1984, 10 violent crimes occurred for every 1,000 persons; however, in 1993, this figure increased to roughly 15 violent crimes for every 1,000 persons. These crimes of violence include homicide, assault, sexual assault, robbery and abduction (Police Services, 1994).

Finally, it should be noted that British Columbia's crime rate is always higher than the national average, and is higher than other provinces. Rates of reported Criminal Code offences tend to increase in Canada from the eastern provinces to the western provinces. There is no satisfactory explanation for this phenomenon (Police Services, 1994). However, it is within this setting that police personnel within British Columbia conduct their day-to-day duties, including the use of force.

**B.C. Police Commission's Annual Report On Shots Fired**

The first data base used to gather the information necessary for this thesis was found within the *B.C. Police Commission's Annual Report On Shots Fired By Police*. This provincial government report is made possible by legislation contained within the *B.C. Police Firearm Regulations*. Specifically, section 8 of the *B.C. Police Firearm Regulations* requires that each police department
within the province provide an annual report of all the shots fired by police officers. This report is to be submitted to the B.C. Police Commission outlining the discharged of firearms, specifically noting:

1) Number of police officers firing shots
2) Number of shots fired intentionally
3) Number of shots fired unintentionally
4) Number of persons injured (as a result)
5) Number of persons killed (as a result)
6) Number of injured animals shot (for compassionate reasons)
7) Dollar value of property damaged (as a result of shots fired)

Within the province of British Columbia the following departments are required, by law, to file their statistical information on shots fired:

- Central Saanich Police Department
- Delta Police Department
- Esquimalt Police Department
- Matsqui (now known as Abbotsford) Police Department
- Nelson Police Department
- New Westminster Police Department
- Oak Bay Police Department
- Port Moody Police Department
- Saanich Police Department
- Vancouver Police Department
- Victoria Police Department
- West Vancouver Police Department
- Specialized Provincial Police Agencies (i.e. Stl-Atl-lmx Nation Tribal Police)
- R.C.M.P. (52 Municipal Contracts, Provincial and Federal Policing)

The information filed with the B.C. Police Commission provides a record of those incidents in which an individual within the province was killed or injured through the use of police firearms.
Significantly, the Police Commission's data base records all instances in which a municipal police firearm was fired by a police officer. In many instances, there is also a brief narrative report outlining the circumstances of the shooting incident. Unfortunately, the R.C.M.P. only provided an aggregate statistical total regarding each of the seven firearm discharge categories.

By collecting this information it is possible to ascertain those incidents in which an officer levelled his/her firearm at an individual and fired it with intent to kill, regardless of whether the individual was actually hit by the bullet. This important piece of information is easily missed as often research is based upon those reported incidents of death or wounding. However, equally important are those instances in which deadly force was contemplated and exercised but for an act of God, or poor marksmanship, did not occur.

**B.C. Police Commission's “Police Honours Night”**

The second data base, utilized for the purpose of this research, was found in the examination of “Police Honours Night” - bravery reports. In addition to annual reports on shots fired, the B.C. Police Commission maintains a data file on individual police incidents, and the officers involved, who have performed an outstanding service to their community by way of bravery. These police officers have been recommended to receive a Police Honours Award due to his/her “courage . . . firmness of mind and will in the face of real danger or extreme difficulty.” In many of these cases, the police officer confronted a perceived deadly threat that justified the use of lethal force in order to save a life. However, in each and every one of these incidents, the police officer resolved the lethal-threat without any serious injury occurring. For a variety of reasons, the police officers during these incidents chose alternate measures to deadly force in dealing with the situation.

**Background**

In 1980, a committee comprised of members of the B.C. Association of Chiefs of Police and the B.C. Police Commission were appointed to select police members nominated by their departments, to be recognized at the First Annual Police Honours Night which was held in January, 1981, at the Hotel Vancouver. The Honourable Her· Bell Irving, Lieutenant-Governor,
presented each of the nine police members being honoured with a framed letter of appreciation from the Government of British Columbia, signed by the Premier.

The second Police Honours Night was held in January, 1982, at the University of Victoria. On this occasion, the awards were presented to twelve police members by the Honourable Allan Williams, Attorney General of British Columbia. As in 1981, this event was sponsored by the Province and letters of appreciation were awarded on behalf of the government.

An Honours Night ceremony was not held in 1983. However, in 1984 Their Honours Lieutenant-Governor and Mrs Rogers offered to host the ceremony at Government House in Victoria. Police Honours Night was also hosted by Their Honours at Government House in 1985, 1986 and 1987. In 1986, the Police Honours Night ceremony was enlarged to include recognition of retired police board members who have served as volunteers in their community for terms up to six years.

Award Criteria

There are three criteria or standards by which police members are selected to receive Police Honours Awards. These are:

1. **Bravery**

   Bravery is courage and the meaning is firmness of mind and will in the face of real danger or extreme difficulty. This implies that the danger must be seen or recognized before the response steps begin, i.e. not a reaction to an unanticipated event from which retreat or lesser response cannot be reasonably considered.

2. **Outstanding Service on Assignment**

   This implies an outstanding investigation, organization of an event or perhaps supervision of a riot, VIP security or similar event. The key elements of this criterion are: planning, organizing, directing, self-motivation, creativeness and foresight.
3. Outstanding Service to Community

This implies that the recipient has organized, or contributed to, the success of a crime prevention program or other police program in his community. The key elements for this criterion are: planning, organizing, initiative, self-motivation, creativeness and foresight.

During the period from 1980 through to 1995, there have been a total of 13 municipal police incidents and 34 R.C.M.P. incidents recorded within the B.C. Police Commission category of bravery. These incidents occurred when police officers were legally justified in using deadly force (as defined within the Criminal Code Of Canada.) However, rather than use their firearms, these officers utilized alternative non-lethal methods, risking their lives for the sake of others. (In one municipal incident for example, involving bravery, it was found that the police officer had discharged his firearm in the general direction of the suspect but had failed to wound or kill the individual.)

While these incidents of bravery are truly noble it is important to note that the police officers involved were recognized, for the most part, owing to the actions of their supervisors. Those individuals, who were recipients of the B.C. Police Commission Bravery Awards, were first required to be nominated by the superior officers of their respective police agencies. The discretion to put forward a police officer's name for consideration of bravery recognition largely rested with the individual police department and in particular, the immediate supervisor of the recipient. It is, therefore, quite conceivable that there are many other unrecorded instances in which actions of police bravery occurred. For example, there would be no record of an incident of bravery if an individual supervisor or a particular police department did not feel that the actions of the officer were outstanding or if they were not brought to the attention of those in 'power'. A recommendation for the bravery award can only occur by both the acknowledgement and support of the 'chain of command', within the police organization. Hence, the data contained within the B.C. Police Commission's files reflects a limited number of incidents of bravery within the province of B.C.
**Verdict-At-Coroner's-Inquest**

The third data source utilized to gather information for this thesis is contained within those files held by the B.C. Coroner. In British Columbia, the Coroner's office is legislatively required to conduct an inquest into all deaths resulting from, or related to, a police action. Specifically, under the category "type of death," the Coroner's office maintains a database regarding those deaths that occur within the province as a result of a police shooting. Section 9(1)(a) of the British Columbia Coroner's Act states that the Coroner will conduct an investigation into any death occurring as a result of "violence, misadventure, negligence, misconduct, malpractice or suicide." Section 9(3) additionally notes that a Coroner's investigation will commence when any death occurs while a person is "detained by or in the actual custody of a peace officer." Further, the Coroner's office maintains an internal policy to hold an inquest into all deaths that result from a police shooting (B.C.C.A., 1993).

Governed by both policy and legislation, the approach taken by the Coroner's office is to conduct an independent public inquest into all police shooting incidents that result in death within the province. It is noteworthy that the Coroner's office controls and conducts the investigation into the police shooting, independent of the police agency. Thus the Coroner's inquest serves as an independent public forum, within British Columbia, to examine and comment on police shootings.

Typically, five jurors are selected from the public voters list to hear the information presented and ultimately to submit their findings and recommendations. The Coroner's comments and analysis of the police shooting are documented within a final report known as the Verdict-At-Coroner's-Inquest. Included within this report are a narrative account of the police shooting, the independent investigation and, significantly, the recommendations of the jurors.

The investigation and subsequent findings contained within the Verdict-At-Coroner's-Inquest reports provide both a detailed and impartial account of a police shooting. The recommendations reached provide a lay commentary on how such incidents of violent death can be reduced in the future. However, unlike a criminal court, it is important to distinguish that a coroner's inquest simply serves as a fact-finding exercise in determining the cause of death. It is not a fault-finding process.
Therefore, the recommendations and conclusions reached by a coroner inquest must be viewed with caution. Section 28 (1) of the B.C. Coroner's Act states:

Where an inquest is held, it shall inquire into and determine who the deceased was and how, when, where and by what means he died.

It is also important to note that the coroner's jury is legally prohibited from making a finding of legal responsibility. Section 28(2) of the B.C. Coroner's Act states:

The jury shall not make any finding of legal responsibility or express any conclusion of law on any matter referred to in subsection (1).

Notwithstanding these caveats, the data base and findings maintained by the Coroner's office remain to be the most comprehensive and independent source of information regarding police shootings within the province of B.C.

**Analysis of Data**

Owing to the relatively small sample size and the administrative complexities surrounding those records pertaining to police use of force, the findings of this thesis are based upon the four noted independent sources of information:


2) B.C. Police Commission's "Police Honours Night" official records.

3) B.C. Police Department Reports, Investigations and Interviews.

4) B.C. Coroner's Office - "Verdict-At-Coroner's-Inquest" reports.

The *B.C. Police Commission's Annual Report On Shots Fired By Police* served as the initial source of data for this thesis. As stated, the *B.C. Firearm Regulations* require that all police departments within British Columbia, including the Royal Canadian Mounted Police, provide an annual report of all shots fired by their personnel. With the exception of the R.C.M.P., the complying police agencies include a brief narrative of the incident including their police department's case number. A
tabulation of this information is contained within Appendix E. This tabulation reflects all of the shots fired cases reported to the B.C. Police Commission from 1980 through to 1994.

1) Shots Fired Within British Columbia

An analysis of the persons shot by the police within British Columbia from 1980 through to and including 1994 indicates that:

- At least 30 individuals were killed by the police during this 15-year period.

- The Royal Canadian Mounted Police within British Columbia have reported 15 shooting deaths to the B.C. Police Commission during the past 15 years. However, this reported figure is believed to be incorrect. The B.C. Police Commission “Shots Fired” data was later checked against actual Verdicts in Coroner’s Inquest reports. This cross-check revealed that the R.C.M.P. has failed to report several fatal police shootings to the B.C. Police Commission. (See Page 83 of this thesis.) In addition, the R.C.M.P. do not report the case number nor any further information other than the aggregate total of shots fired in a specific category, e.g., “1980 - Number of persons killed - 1."

- The municipal police departments within British Columbia were responsible for 15 shooting deaths during the past 15 years. The municipal police provide detailed information regarding the shooting incident. In some instances, more than one police officer was involved in firing his/her weapon and fatally wounding the suspect. A total of 20 police officers were classified as “fatal” shooters.

- The Royal Canadian Mounted Police have reported to the B.C. Police Commission the wounding of 41 individuals during the past 15 years. This figure appears to represent R.C.M.P. officers, suspects and bystanders. Once again the data is unclear as only aggregate totals have been provided to the B.C. Police Commission.
The municipal police departments within British Columbia were responsible for 15 wounding of 15 non-police personnel, during the past 15 years. In nine of the recorded entries, it is apparent that the shots fired by one or two officers resulted in the wounding of one individual. However, in the remaining six files, it is unclear as to how many officers were involved in the recorded shooting incident. It is additionally unclear as to which police officer was responsible for the wounding of the suspected individual. One example notes:

During one particular incident, over 28 rounds are fired towards a barricaded suspect. During the aftermath it was noted that the suspect received a minor wound to the foot, presumably from police lead fragments. Numerous officers were involved in the incident with no single person being identified as the “shooter”.

- The Royal Canadian Mounted Police do not provide information to the B.C. Police Commission indicating those incidents in which a member of the R.C.M.P. fired his or her weapon with the potential for deadly force or wounding.

- The municipal police departments within British Columbia were responsible for shots being fired, having the potential for deadly force or wounding, in 13 separate incidents during the past 15 years. In each of these separate incidents, the police officer's bullet failed to strike the individual. However, the police investigation revealed that the shot was fired directly at the individual or the driver's side of the suspect vehicle with intent to kill or wound. The majority of these incidents occurred between 1980 and 1985.

**Examination Of The Files Pertaining To Shots Fired**

An analysis of the B.C. Police Commission files revealed that, of those entries regarding Shots Fired By Police, a total of 45 files would broadly fit within the confines of this study. Specifically, these files focused upon categories of resolution utilized by police to incapacitate a perceived deadly threat including:
Those incidents in which a police officer utilized deadly force by way of discharging his/her firearm.

Those incidents in which a police officer utilized potentially deadly force by discharging his/her firearm, but death did not result. This would include discharges of a firearm by a police officer that wounded an individual and those discharges of a firearm that were intended to wound or cause death but did not.

However, upon closer examination of these 45 files, it was determined that only a total of 25 files would be reviewed and included for the purpose of this study. A total of 20 files were eliminated from this study as they were deemed to be unsuitable owing to one or more of the following reasons.

1. Over 10 years had occurred since the incident. Upon checking with the respective police agency, it was learned that the file could not be located or that the police officer involved had since left the department with no known forwarding address. In most of these instances, the suspect had not been wounded. In those few instances where a wounding did occur, it was of a minor nature.

2. Upon further examination, it was determined that the file was insignificant. For example, the police officer had discharged his/her firearm at the general area of a fleeing vehicle but had entirely missed the vehicle or the bullet had struck the tires or body area of the vehicle. Files within this category were not included within this study as it was extremely unlikely that wounding or death would have occurred as a result of the police officer's discharge of a firearm.

3. The information possessed by the B.C. Police Commission was extremely vague as to exactly what happened. For example, one file notes that two rounds were fired intentionally during the arrest of a parole violator for break and enter as well as theft of auto. The individual was not wounded or killed; however, no further information was provided by the submitting police agency.

4. The information submitted by the police agency revealed that the incident was a 'cluster file'. Numerous individuals were involved in the shooting incident and it is uncertain who did what. As stated, one file notes that over 28 rounds were discharged at a barricaded suspect. When the
shooting was over "The suspect sustained minor wounds to the chest and shoulder area from glass fragments as well as a minor wound to the foot, presumably from lead fragments."

In summary, the 20 files eliminated from this study did not involve a deadly force incident. The vast majority of those files eliminated occurred during the early 1980's and involved the potential use of deadly force. In these instances, police firearms were typically discharged at a moving suspect vehicle. (There were a few occasions when a police officer discharged his/her firearm at an individual, not in a vehicle.) The police officer(s) reported that he/she felt that his/her life, or the lives of others, were in danger owing to the movements of the suspect vehicle or the actions of an individual. In all of these instances the police officer(s) did not wound nor kill the suspect. Nonetheless, the discharge of the police officer's firearm had the potential for causing death or grievous bodily harm to the suspected individual.

As a result of this closer examination, a total of 25 separate files contained within the B.C. Police Commission's records, concerning 'Shots Fired By Police', were examined and are the focus of this study. These files include:

- 15 separate incidents of police use of deadly force. (A total of 18 police officers were subsequently interviewed in relation to these files.)

- 5 separate incidents involving the wounding of an individual where death did not result. (A total of 4 police officers were subsequently interviewed in relation to these files.)

- 5 separate incidents involving the potential to cause death or grievous bodily harm; however, the individual was not hurt. (A total of 3 police officers were subsequently interviewed in reference to these files.)
2) Police Honours Night

An analysis of the detailed reports surrounding the B.C. Police Commission's Police Honours Night, specific to the category of bravery, revealed:

- The municipal police departments in British Columbia were recognized during a Police Honours Night ceremony for 13 separate incidents of Bravery during the period from 1987 through to 1994. (In five of these incidents, two police officers received awards for the same incident.)

- A total of 18 municipal police officers have received awards for bravery at Honours Night ceremonies during the past 14 years. (The first Police Honours Night was held in 1981. Honours Night was not held in 1983. There are no entries for municipal police honours regarding bravery, until 1987.)

- The Royal Canadian Mounted Police were recognized during Police Honours Night ceremonies for 34 separate incidents. The data base does not clearly indicate how many individual police officers were involved in the 34 separate incidents of bravery. (The data base regarding the R.C.M.P. exists from 1985, through to and including 1994, two years prior to municipal police entries for bravery.)

It is important to note that the category "bravery" includes acts of heroism such as rescuing an individual from a burning building or a from a submerged vehicle in a ditch. For the purpose of this study, only those specific acts of bravery, that would permit police use of deadly force, have been included in this analysis. As a result, a total of 21 bravery files (9 municipal and 12 R.C.M.P.) were examined. However, it must be emphasized that the number of files examined does not accurately reflect the percentage of bravery incidents that have occurred. As previously stated, the specific number of incidents recorded are a reflection of a very subjective process. Nonetheless, the actual incidents themselves are significant since they document occurrences of police bravery. A total of 9 municipal police officers, who had demonstrated bravery, were interviewed for the purpose of this study.
3) Police Reports, Investigations And Interviews

As stated, the information contained within the B.C. Police Commission's Annual Report On Shots Fired By Police provided an accurate account of the shots fired by municipal police departments within the province of British Columbia. The strength of this data base was apparent in the accurate totals of shots fired including reference to specific dates, police file numbers and a brief narrative surrounding the incident. The information contained within the B.C. Police Commission's "Police Honours Night" provided even further information. In some instances, these documents were condensed versions of actual police reports, providing a detailed account of the bravery incident. As mentioned, it was therefore possible to decide which files would fit within the confines of this study.

R.C.M.P. Reports, Investigations and Interviews

Unfortunately, the information pertaining to the activities of the Royal Canadian Mounted Police provided little information. With the exception of the detailed R.C.M.P. bravery accounts, the "Shots Fired" data base provided only aggregate totals of R.C.M.P. incidents in a particular year. In light of the confines of this thesis, it was decided that a very narrow focus would be taken regarding those incidents involving members of the R.C.M.P.

This decision was made owing to a myriad of factors surrounding an analysis of R.C.M.P. data. These factors include the requirement of obtaining access to information by way of request to R.C.M.P. headquarters, Ottawa. This request would then require follow-up to R.C.M.P. headquarters, Vancouver. Finally, requests would then be referred to the individual detachment commander in question. Only after completing these bureaucratic hurdles, would it be possible to locate the detachment's report involving the R.C.M.P. incident of deadly force.

However, compounding this complex process is the current location of the actual police officer. Being a national police force, members of the Royal Canadian Mounted Police are often transferred to different detachments throughout their career. Therefore, an R.C.M.P. officer, who had used deadly force during an incident in a local municipality may now be located in a different part of the province or even in a province other than British Columbia.
Owing to this multitude of factors, it was decided that members of the Royal Canadian Mounted would not be interviewed nor would official R.C.M.P. documents be requested. The decision was made to analyse R.C.M.P. deadly force incidents by way of B.C. Coroner reports. As stated, the *Verdict At Coroner's Inquest* provides province-wide reports that contain detailed and independent accounts of those incidents involving members of the R.C.M.P. who had used deadly force. Unfortunately, those incidents involving the wounding or potential use of deadly force by members of the R.C.M.P. are not be pursued in this thesis. However, incidents involving acts of bravery by members of the R.C.M.P. are analysed by way of those reports on file with the B.C. Police Commission.

**Municipal Police Reports, Investigations and Interviews**

Unlike the complexities surrounding the federal R.C.M.P., municipal police agencies within British Columbia are readily accessible. With the exception of the Nelson Police Department, the remaining eleven municipal police departments are located in the greater Vancouver or lower Vancouver Island area. The personnel within these agencies typically spend their entire career in one police department. Therefore, unless an individual leaves the occupation of policing, it is very likely that the police officer involved in a shooting incident will continue to serve in his or her original police department.

It is within this known framework that the second step in this data collection process began. Equipped with the baseline information obtained via the B.C. Police Commission, written requests were made to the Chief Constables of B.C. municipal police departments. These requests concerned permission to review specific department files and to interview specific police officers within their respective agencies. The list of the specific files requested were derived from the examination of the "Shots Fired" and "Police Honours Night" data bases.

All seven of the Chief Constables contacted readily provided unrestricted access to their police department files and their police personnel. Copies of the written permission granted by the Chief Constable's, as well as the S.F.U. ethics approval for this research are contained within.
Appendix “A” & “B”. The purpose of this process was to obtain the complete police investigation including statements (police and independent witnesses), forensic evidence and investigator’s comments. (Frequently included within the municipal police files were additional documents such as the Verdict-At-Coronor’s-Inquest reports and references to disciplinary action, if any, on the part of the shooting member.)

The additional purpose for this process was to obtain access to those police officers who had discharged their firearm during the performance of their duties, resulting in death or grievous bodily harm or the potential death or grievous bodily harm of an individual. On two occasions, this process was not followed as the individual police officers had since left policing to pursue other careers. These two individuals were contacted at their residence and were subsequently interviewed regarding the shooting incident.

In summation, 34 separate police files were examined at seven municipal police agencies. The 34 files examined reflect 25 separate files contained within the B.C. Police Commission’s “Shots Fired” data base and 9 separate files contained within the “Police Honours Night” data base. Upon reviewing the municipal police files it was then possible to ascertain the identity of the police officer(s) involved in the shooting incident. It was also now possible to discern the exact role that the individual police officer performed during the deadly force encounter.

Prior to this stage, it was often unclear as to which officer had fired the fatal shot. In some instances, two police officers had discharged their firearms at an individual; however, only one officer had hit the intended target. It is with this new information that the third and final step in this process now occurred. Specific police officers were contacted and a request was made for an interview regarding their deadly force encounter.

**Interviews of Police Officers**

During the period from April, 1995 through to August, 1995, a total of 34 interviews were conducted, based upon a review of the 34 police agency files that were examined. A total of 36 interviews were initially requested; however, two police officers declined to participate in this study.  

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The review of the 34 police agency files and the 34 subsequent interviews revealed the following information:

**Deadly Force** (n=18)

A total of twenty municipal police officers were involved in a deadly force shooting from January 1980 through to January 1995. Specifically, these twenty officers discharged their firearms at individuals with intent to kill; i.e., the bullets from the police officer's firearms struck these individuals, ultimately leading to their deaths. In all fifteen municipal shooting incidents, a male individual was shot and killed by the police. (Note: In four of the fifteen shooting incidents the data revealed that more than one officer had discharged a firearm at the suspect, resulting in the individual's death.)

Based upon this information, requests for an interview were made to eighteen of the twenty police officers who had shot and killed an individual during the performance of their duties. Two individuals were not contacted owing to the sensitive nature surrounding the incident, i.e. the fatal shooting had recently occurred.

In total, requests for an interview were made to eighteen police officers within this category. One officer declined to participate while a second officer could not be located as the individual had since left the police force for an undisclosed location. As a result, a total of sixteen police officers who had been involved in a deadly force incident, agreed to participated in this study and were interviewed.

Two additional police officers were interviewed and are included within this specific category as they were present when their partner fired the deadly discharge of his/her weapon. Both of these officers did not discharge their firearm. However, both individuals stated that they would have discharged their weapon, with intent to kill the suspected individual, had their partner not done so. One officer noted that he was "squeezing the trigger" of his gun (with intent to kill the suspect) when he heard his partner's weapon discharge. Only upon hearing the shot and upon seeing the suspect collapse, did the officer release his finger off the trigger of his firearm.

**Wounding** (n=4)

Upon reviewing the five files involving the wounding of an individual, five police officers were selected to be interviewed. All five of the police officers were contacted for an interview. One officer
declined to participate. The four remaining police officers agreed to participate in this study by being interviewed.

**Potential Deadly Force** (n=3)

Upon reviewing the five files within this category, requests for an interview were made to three officers who had used potential deadly force by discharging their weapon directly at an individual. To all intents and purposes, the suspected individual should have been wounded, if not killed, by the police officer's actions. However, owing to poor marksmanship or an act of God, the police officer's bullet failed to strike the intended individual. All three of the individuals contacted agreed to participate in this study by being interviewed.

**Police Honours** (n=9)

Requests for an interview were made to nine police officers who have received an award for bravery during a Police Honours night ceremony. All nine of these individuals had been involved in a life-threatening incident but, with the exception of one officer, did not utilize their firearms. This lone officer had the unique distinction of having discharged his firearm at a suspected individual (potential deadly force) but had nonetheless received a police honours award. All nine of the individuals contacted agreed to participate in this study by being interviewed.

**4) Verdict-At-Coroners-Inquest Reports**

The fourth and final data base utilized for this report concerns the Verdict-At-Coroners-Inquest reports. As stated, the Verdict-At-Coroners-Inquest reports constitute the most accurate and independent source of information regarding fatal police shootings within the province of British Columbia. A request was made to the Coroner's office to provide all of the reports surrounding police use of deadly force (both municipal and R.C.M.P.) during the period from January 1980 through to January 1995.

Unfortunately, the Coroner's office could only provide an accurate account of those instances of police use of deadly force that have occurred between January 01, 1989 through to January 01, 1995. Since 1989, the Coroner's office has maintained a computerized record system allowing simple
access to their files. Under the category of "police shooting fatalities", the Coroner's office is able to derive a complete and accurate account of individuals shot and killed by the police within British Columbia. However, records concerning the period from 1980 through to 1989 require a manual retrieval of data. These reports first require the specific name of the deceased individual before they can be located within the data base.

As a result of this situation, all of the Coroner reports surrounding the fifteen municipal police fatal shootings were examined. These reports covered the period from January 01, 1980 through to January 01, 1995. Owing to the minimal amount of information on file with the B.C. Police Commission, it was not possible to obtain the names of those individuals killed by members of the R.C.M.P. Therefore, the Coroner's office could only provide an accurate and detailed account of the fatal shootings involving members of the R.C.M.P., during the period from January 01, 1989 through to January 01, 1995.

Based upon the detailed information contained within this six year period it was now possible to conduct a thorough analysis of the fatal shootings involving members of the R.C.M.P. within the province of British Columbia. One of the most significant pieces of information to be gleaned from the B.C. Coroner's data was the inconsistency that exists between the Coroner's office records and those records maintained by the B.C. Police Commission. Specifically, the B.C. Police Commission data regarding the number of incidents of police use of deadly force by members of the Royal Canadian Mounted Police is inaccurate.

During the noted six year period of analysis, the aggregate files maintained by the B.C. Police Commission indicate that six individuals were killed by R.C.M.P. members. (See Appendix E.) However, the documented and detailed Verdict-At-Coroner's-Inquest reports, maintained by the B.C. Coroner's office, clearly indicate that thirteen individuals were killed by R.C.M.P. members. A brief synopsis of seven of the thirteen cases are reported within Appendix I.

There is an obvious discrepancy in the actual instances of R.C.M.P. fatal shootings and the numbers reported to the B.C. Police Commission. As a result, this matter was brought to the attention of personnel within R.C.M.P. 'E' Division headquarters, who confirmed the accuracy of the B.C.
Coroner’s office data. Discussions with these personnel revealed that the apparent discrepancy was attributed to a minor R.C.M.P. administrative error. The clerical situation resulting in this situation has now been rectified at R.C.M.P. headquarters.

Unfortunately, personnel within R.C.M.P. headquarters were unable to provide an accurate account of fatal R.C.M.P. shootings during the period from January 01, 1980 through to January 01, 1995. This is apparently the result of a manual data base system that existed prior to 1989. It is known, however, that the reported number of fifteen fatal shootings, to the B.C. Police Commission, is incorrect.

In fact there has been a minimum of twenty-two fatal shootings by members of the R.C.M.P. within the province of B.C. during the fifteen year period of analysis. The exact number of R.C.M.P. fatal shootings within British Columbia is not known. An approximate estimate of the number of fatal shootings by members of the R.C.M.P. within the province of B.C. would be roughly twenty-five. This figure would be in proportion to the greater population base that the members of the R.C.M.P. service in comparison to their municipal counterparts.

**Summary Of Data Collection Procedures**

In summation, this study reflects an examination of 34 separate incidents involving municipal police officers being confronted by a perceived lethal-threat. All of these incidents occurred within the province of British Columbia between January 01, 1980 through to, and including, January 01, 1995. The two specific B.C. Police Commission data bases, "Shots Fired" and "Police Honours Night - Bravery", were used to generate the 34 separate incidents of analysis. The B.C. Coroner’s office data base, "Verdict-At-Coroners-Inquest", was used to supplement the 15 incidents of fatal police shootings that were included in this study. Based upon this information, a total of 34 police officers were interviewed in relation to their involvement in the respective 34 files.

In addition, this study reflects the examination of 24 incidents involving members of the Royal Canadian Mounted Police who were confronted by a perceived lethal-threat. All of these incidents occurred within the province of British Columbia between January 01, 1989, through to, and including
January 01, 1995. The B.C. Police Commission data base surrounding "Police Honours Night - Bravery" was utilized to generate 12 recorded incidents of R.C.M.P. bravery. The specific details surrounding these six of these incidents are contained within Appendix "J" of this report. As stated, the members of the R.C.M.P. who were involved in these incidents were neither contacted nor interviewed.

The B.C. Coroner's office Verdict-At-Coroner's-Inquest reports were utilized to generate 12 documented and detailed accounts of R.C.M.P. members who had used deadly force in the performance of their duties. During one incident, a member of the R.C.M.P. killed two individuals by discharging his firearm, bringing the total number of individuals killed to 13. All of these incidents occurred within the province of British Columbia between January 01, 1989 through to, and including, January 01, 1995. The official R.C.M.P. reports were not reviewed nor were the members of the R.C.M.P. involved in these incidents contacted or interviewed.

In total, this thesis is based upon the examination of 58 separate documented incidents where police personnel (municipal and R.C.M.P.) were confronted by a lethal-threat within the province of British Columbia. In 27 of the incidents (15 municipal and 12 R.C.M.P.) the police responded by discharging their firearm and killing a total of 28 people. The remaining 31 cases that were examined reflect incidents in which municipal and R.C.M.P. personnel responded with less-than-lethal force. The findings and interpretations of this examination are contained within the following chapter.
Chapter Four:

Findings and Interpretations
Introduction

The purpose of this thesis has been to explore those factors associated with police use of deadly force within British Columbia. In Chapters One and Two, the legal and theoretical frameworks in which police use of deadly force occurs were reviewed and discussed. It was noted that the victim can be a significant determinant in the escalation of violence during an interaction between two or more individuals. During a victim-precipitated homicide, the person to be killed initiates or precipitates the sequence of events by being the first to use physical force against the subsequent slayer. It is within this context that the phenomenon of suicide by cop occurs. Individuals, predisposed to killing themselves, compel a police officer to use deadly force in order to achieve their death wish.

In Chapter Three, this thesis revealed the complexities surrounding police firearm discharge data. Within British Columbia, the B.C. Police Commission and the B.C. Coroner's office maintain records that pertain to police use of deadly force. The limitations and inaccuracies of these records were discussed. It was noted that police use of deadly force is a rare occurrence within British Columbia. With the exception of training, the vast majority of police officers will never discharge their firearm during the course of their career.

In this Chapter, the various theoretical issues discussed within Chapter Two are taken and applied to the results of the 34 interviews and the 58 cases that were examined. This chapter discusses the findings of the interviews and the case analysis. The role of the victim and the issue of "suicide by cop" are addressed in detail. In addition, this Chapter deals with the subject of critical incident stress and its effect upon the police officer within the context of a police shooting.

It is argued that the victim causes or contributes to a police shooting by intentionally or unintentionally provoking the police. In many instances, suicidal individuals have engaged in life-threatening criminal behaviour in order to force the police to kill them. It is also argued that during the aftermath of a police shooting, the police officer is frequently a "victim" of the shooting process.
Shots Fired - Municipal Police

Upon examining the data contained within the B.C. Police Commission "Shots Fired" files, it is apparent that the 15 municipal police fatal shootings can be broken down into five distinct categories. The use of deadly force by municipal police officers has occurred during the following situations:

- In one incident, deadly force was utilized to stop a possible hostage situation by a suspect who was believed to be armed with a gun.
- In four incidents, deadly force was utilized when the suspect was confronted and pointed a gun at the police.
- In four incidents, deadly force was utilized when the suspect, who in possession of a gun, fired upon the police.
- In five incidents, deadly force was utilized when the suspect brandished a knife in a threatening manner towards the police.
- In one incident, deadly force was utilized when the police officers perceived that their lives were in danger as a result of the suspect's actions.

An analysis of the "Shots Fired" data reveals that the police use of deadly force is extremely rare. In a period of fifteen years, only 15 deaths have been attributed to the discharge of a firearm by a municipal police officer within the province of British Columbia. The twelve municipal police agencies that police within this province have a complement of approximately 2,000 sworn officers. The combined municipal forces provide policing services to a population of roughly one million British Columbians (Police Services, 1994). These municipal officers will have numerous "contacts" with the public, on any given day, by virtue of attending calls for service, patrolling the streets or during routine traffic duties.

Yet, in fifteen years and untold tens of thousands of "contacts" with the public, there have been less than 60 separate incidents where a municipal police officer has discharged his/her firearm outside of departmental training. These findings are even more significant when one considers that most of
the municipal police agencies conduct their policing activities within the established urban or suburban areas of the province. These densely populated areas tend to have the highest serious crime rates. As a result, one would expect a much higher figure of police firearm discharges and lethal shooting rates.

This thesis has also revealed that during the past 15 years, there have been less than 15 police shooting incidents which have resulted in a substantial wound to a suspect. It is difficult to ascertain the exact figure of substantial wounding incidents owing to the scant information that has been filed at the B.C. Police Commission.

The individuals shot and wounded by the police have typically suffered injuries to the forearm, leg, stomach and lower torso area. These individuals were treated at the hospital and released. In the remainder of the shooting incidents where a police officer has discharged their firearm during the course of his/her duties there was either no injury or a very minor superficial injury to the suspect.

However, it is interesting to note that the B.C. Police Commission “Shots Fired” data base indicates that, in several instances, the police have been unintentional victims of their own weapons. Accidental discharges, cross-fire situations and intentional discharges, resulting in bullet and concrete fragment ricochets, have resulted in several police officer woundings. The vast majority of these incidents have resulted in minor police woundings but they nonetheless underscore the possibility for more serious injuries.

One of the more frequent police injuries appears to be caused when officers attempt to “shoot out the tires” of suspect vehicles. The automobile, and the wheels that it rests upon, are largely made of steel. The concrete or asphalt roadway that the vehicle rests upon serve to further compound the situation. When a high speed lead bullet is discharged in the general area of a vehicle, ricochets and metal fragments abound. Unlike the scenes depicted by “Hollywood”, the “shooting out of a tire” can be a precarious and dangerous event.

The data contained within the “Shots Fired” category additionally makes reference to police officers who have been killed in the line of duty. During the 15-year period, from January 01, 1980 through to January 01, 1995, Largy (1995) notes that three police officers were fatally shot, by an
assailant, in British Columbia. The first officer, a member of the R.C.M.P., was murdered as he worked the public front counter of a Vancouver suburban police station. The second officer, an R.C.M.P. officer deployed in an isolated northern B.C. posting, was killed as he attempted to arrest an armed and dangerous felon. The third officer, a municipal police officer, was killed during an emergency response team operation involving a highly armed drug trafficker in 1987.

Within the nation, in 1994, one police officer in Canada was a victim of homicide while on duty, compared to two in 1993, one in 1992 and three in 1991. Also noteworthy in 1994 is that for the tenth consecutive year, no federal or provincial correctional worker was a victim of homicide in the line of duty in Canada (Statistics Canada, 1994:16).

However, this is in stark contrast to the United States where recent statistics indicate that 98 police deaths, attributed to an assailant, were reported in 1993 alone. A total of 151 American law enforcement officers were killed in the line of duty according to the numbers released by the National Law Enforcement Officers Memorial Fund (N.L.E.O.M.F.) and Concerns of Police Survivors (COPS). This figure actually indicates a decline in on duty police deaths. Since 1990, there have been a total of 585 "line-of-duty" police deaths, including 150 in 1990; 138 in 1991; 146 in 1992; and 151 in 1993. This equates to an average of 146 police fatalities per year in the United States.

During the 1980's, in the United States, there were an average of 185 police fatalities per year. However during the 1970's, there were an average of 215 police fatalities per year (Police, 1994:15). The recent widespread use of body armour by police is cited as the single biggest reason for the decline in deaths. Another significant factor is the increase of sophisticated training during the past five years.

Statistics also indicate that, of the 151 American officers who died in 1993, 75 officers were killed by an assailant using a firearm; 23 additional officers were slain by other means. The remaining 53 officers died from accidental causes while on duty. These accidental deaths are listed as aircraft or automobile crashes, being struck by a vehicle or drowning. On average, the officers who died were 36 years old and had served for 10 years. Ten of the officers who died were female (Police, 1994:15).
Also noteworthy is that for the sixth straight year, the state of Texas had more officers killed than any other state with 14 officers being killed in 1993 alone. The state of California followed with 13 officers killed, Florida with 8 and the state of New York with 6 officers killed in 1993. This year was also significant due to the frequency of multiple police deaths. In 1993, 4 federal agents were killed in Waco, Texas with seven additional cases reported in which more than one officer was killed during a single incident (Police, 1994:15).

Fortunately, these alarming U.S. figures are in contrast to the three police officers who have been murdered in British Columbia during the past fifteen years. However, the Canadian figures do not include the several accidental "line-of-duty" police deaths that occur when police officers suffer a violent accidental death while at the workplace. This would include car accidents, drownings and other fatal injuries incurred while on duty. The number of accidental "line-of-duty" police deaths for the province of British Columbia is not known.

Also significant is that, in the past 15 years, there have been several "on-duty" police suicides. Typically these suicides involve the use of a police firearm while the officer is on duty. Once again the exact figure is not known but there is believed to be an average of at least one police suicide, per year, within the province of B.C. (Province, 1995:Oct.). How, and if, these factors impact upon police use of deadly force is unclear. Nonetheless, these alarming figures emphasize the need for additional research into this area.

_Shots Fired - Royal Canadian Mounted Police_

Unfortunately, it was not possible to conduct a detailed analysis of the shootings incidents by R.C.M.P. personnel, owing to the limitations surrounding the data that has been filed at the B.C. Police Commission. As stated, the 15 reported R.C.M.P. fatal shooting incidents that have been filed at the B.C. Police Commission is incorrect. The exact number is unknown. It is believed that R.C.M.P. personnel within British Columbia have been responsible for the fatal shootings of approximately 25 individuals during the past fifteen years.
The frequency of shots fired by members of the R.C.M.P. is also unknown as this information is not filed at the B.C. Police Commission. However, the data base maintained by the B.C. Police Commission provides some limited insight into the number of woundings that have occurred by members of the R.C.M.P.

During the fifteen year period of analysis, the R.C.M.P. have reported 41 shooting incidents that have resulted in the wounding of an individual. This figure must be viewed with caution as it is an aggregate figure. It is likely that the 41 wounding incidents include references to police officers who have unintentionally been wounded by their own weapons.

The aggregate R.C.M.P. "Shots Fired" figures discerned, by way of this thesis, appear to be in proportion to those figures reported by municipal police agencies. It must be stressed that although the R.C.M.P. have been involved in more fatal and non-fatal shootings than their municipal counterparts, this contracted federal police agency polices a larger proportion of the province.

There are over double the number of R.C.M.P. personnel within the province of British Columbia, in comparison to the number of municipal police. While many of these R.C.M.P. officers police isolated rural areas or conduct inside administrative tasks it must be emphasized that there are also several large R.C.M.P. municipal contracts within the province of B.C. (Police Services, 1994). These large urban suburbs and townships provide similar policing challenges and difficulties that are faced by members of municipal departments.

**Deadly Force - Research Findings**

Owing to the limitations regarding R.C.M.P. shooting data, the primary focus of this section concerns those instances in which members of municipal police departments have utilized deadly force in the performance of their duties. In addition to the "Shots Fired" data base provided by the B.C. Police Commission, police reports, witness statements, Verdict-At-Coroner's-Inquest reports and interviews with the shooting officers themselves have been analysed.
The analysis of the 15 incidents of deadly force has revealed that several factors have played a significant role in the outcome of the incident. The significant factors associated with a fatal police shooting are as follows:

The Commission Of A Serious Criminal Offence (N=6)

During five of the fatal shootings, the deceased had just committed a serious criminal offence. In one additional incident, the deceased was wanted by the police as he had recently committed several serious criminal offences. These offences include murder, attempted murder, robbery, aggravated assault and drug trafficking.

In the majority of these cases, members of the public had been victimized and had requested that the police attend to deal with the perpetrator of the crime. On occasion, the suspected individual(s) had completed their crime and were fleeing from the scene when police officers arrived. In all of these instances, the police officers were required by law and profession to arrest and detain the suspected individual for court purposes as well as to ensure that the offence would not be re-committed.

However, upon recognizing the interveners as police officers, the suspect(s) reacted with a lethal-threat to the officer(s) or innocent bystanders. A brief description of these six individual cases are contained within Appendix "E". For the purpose of this section they are summarized as follows.

- During one incident, two police officers were in plain clothes, on a stake-out, attempting to locate an individual who had committed several serious crimes. As a result of the individual's criminal activities, there was an outstanding Canada-wide warrant issued for his arrest. Upon locating the wanted individual, the police officers identified themselves. This caused the suspect to immediately produce a loaded hand gun and level it at one of the officers. The two police officers responded with deadly force as they feared that their lives were in imminent danger. (See Appendix "E", -1991- Municipal - January 02, 1991.)
During one incident, the attending police officer observed what appeared to be a hostage taking occurring after the commission of a serious criminal offence. The suspect had committed robbery and had escaped from police officers at the scene. While being pursued on foot by a police officer the suspect was observed by a second officer. The second police officer observed what appeared to be a weapon in the possession of the fleeing suspect. This officer perceived that the fleeing suspect was about to take a hostage. In response, the officer discharged his firearm owing to the perception that an innocent bystander was about to face a lethal-threat. (See Appendix "E", -1982 - Municipal - September 15, 1982.)

During one incident, the Emergency Response Team was summoned to deal with an armed and barricaded drug trafficker. As the team members attempted entry to the suspect's fortified residence, a gunfight ensued. The suspect had responded to the intervention by shooting and killing a police officer. After the incident was over, the suspect had also succumbed to a fatal wound. (See Appendix "E", -1987 - Municipal - February 02, 1987.)

During two incidents, the police officers were in uniform, routinely patrolling their respective areas when they were suddenly dispatched to a reported crime in progress. Shortly after arriving at the dispatched location, the officers were facing a perceived lethal-threat.

Upon suddenly being confronted by the police, during the commission of a crime, the suspect(s) responded by threatening the lives of the police officers or an innocent bystander. During both of these incidents, the suspect(s) were in possession of loaded hand-guns while committing their crimes. (See Appendix "E", -1984 - Municipal - December 28, 1984 and 1988 - Municipal - December 31, 1988.)

During one incident, two police officers were summoned to deal with three suspicious males. One of the three appeared intoxicated and as a result was arrested. During the arrest, the two police officers were overpowered. The suspect took the officers' guns and began shooting at the police
officers. One of the officers was able to obtain a shot gun from his vehicle. The police officer, fearing for his life, shot and killed the suspect before he could discharge any further rounds at him and his partner. (See Appendix "E", - 1990 - Municipal - July 16, 1990.)

In summary, during five of these six incidents, the suspect(s) had attempted to kill the apprehending police officer(s). The deceased individuals either levelled a gun at the officers or had actually fired their weapon at the police. As mentioned, in one of these incidents, a police officer was killed. In another incident, a police officer was hit and wounded by the assailant's bullet.

**Alcohol/Drugs**

In addition to the commission of a serious criminal offence, the significant consumption of alcohol and or drugs by the deceased suspect is believed to be present in over half of those cases involving police use of deadly force. It was frequently reported that the deceased had a very high level of impairment at the time of his or her death. These findings are based upon Verdict-At-Coroner's-Inquest reports, recorded entries within police investigations and as a result of the observations of the police officers at the scene.

**Mental Illness/Irrational Behaviour**

Mental illness, or characteristics consistent with that of a deranged and irrational person, are displayed by roughly half of the individuals who were shot and killed by the police. These findings are based upon the actions and behaviour of the suspect during his/her encounter with the police. Also noteworthy is that, in roughly one third of these instances, the deceased had a recorded history of mental illness. Most frequently, schizophrenia was cited as the deceased's documented history of mental illness. These cases have been documented within Appendix "F" and Appendix "I" of this thesis.
Mistaken Shooting \((N=1)\)

During one incident, police officers suddenly entered a residence during the execution of a search warrant for narcotics. Upon entering the residence they were confronted by an individual pointing a rifle. In response one officer fired a single shot, killing the individual. It was later learned that the firearm was in fact a non-lethal pellet rifle and that the individual had been target practicing inside his residence moments before the police suddenly entered. (See Appendix “E”, 1992 Municipal - May 12, 1992.)

A subsequent police investigation and a Coroner’s Inquest determined that although the shooting was an unfortunate incident it was legally justified due to the circumstances. The evidence indicated that the police officer who fired the fatal shot feared that his partner was going to be shot by the deceased. It was only after the fact that it was possible to determine that the rifle was a pellet gun. The police officers involved were not criminally charged nor were they disciplined under the Police Act for their actions. Civil action was discussed but did not occur.

Victim-Precipitated \((N=8)\)

In eight separate cases, individuals displaying irrational or bizarre behaviour had engaged the police in a life-threatening manner, prior to being shot and killed. In addition to their bizarre behaviour, these suspects often displayed several of the characteristics associated with taking one’s own life. Suicidal characteristics were apparent in the suspect’s actions, statements, and demeanour immediately prior to his/her death. These cases are discussed further within this Chapter and have been reported in detail within Appendix “F” and Appendix “I”.

Race

Within American literature, the issue of racism is frequently stated as a possible explanation for police shootings. Several studies have shown that blacks, within the United States, are shot by the police in numbers significantly disproportionate to their numbers in the local population (Geller & Scott, 1992:149). American researchers have cited various explanations for this phenomenon.
that include racial bias and a variety of other factors. Milton (1977) hypothesized that blacks are shot disproportionately because they traditionally have made up a large segment of the unemployment class. Unemployed individuals, regardless of race, are more likely to be involved in confrontations with the police. 1

As stated in Chapter Two of this thesis, Matulka (1985) takes the position that prejudice alone does not explain the disproportionate level of black homicide victims. Adding to Milton's hypothesis, Matulka notes that blacks are over-represented as persons arrested for homicide, robbery, violent crimes and weapons offences.

Owing to the lack of research within Canada, it is not possible from a national perspective to fully address this issue. However, within the province of British Columbia, this thesis has revealed that twelve of the fifteen individuals shot and killed by members of the municipal police were caucasian males. The police officers involved in the shootings were caucasian males with the exception of one caucasian female police officer. In only three instances (20% of the fatal police shootings) were "non-whites" shot and killed by members of the municipal police.

In the first incident, an Oriental Canadian male was shot and killed by the police during a hostage-taking incident. It is interesting to note that, during this particular shooting, one of the three police officers involved in this fatal event was also an oriental male. This police officer was the only non-caucasian "shooter" identified during the course of this study.

In a second incident, an African-Canadian male was shot and killed during an attempted jewellery-store robbery. The African-Canadian was committing a serious criminal offence and fled upon police arrival. An attending male caucasian police officer perceived that a hostage-taking incident was about to occur. In response the officer discharged his firearm and killed the fleeing suspect.

The third fatal shooting of a non-caucasian occurred when an aboriginal male was killed as he adopted a "combat shooting position" upon being chased by the police. A male caucasian police officer was conducting a routine patrol of the area when he was flagged down by a motel clerk. The clerk advised that the aboriginal male had just assaulted him. Upon seeing the arrival of the police,
the suspect fled. The police officer pursued the suspect, on foot, until the suspect suddenly stopped, crouched down and turned his back to the officer. The suspect was then observed to reach into his jacket, as if to produce a firearm. In response the police officer ordered the suspect to raise his hands. The suspect did not. Upon quickly turning towards the officer in a combat shooting stance, the suspect was shot and killed. It was later learned that the suspect was in fact unarmed and had been reaching for a radio in his jacket.

All three of the non-caucasian individuals were shot and killed by the police during the commission of a criminal offence. These particular incidents occurred within the greater Vancouver area, after members of the public summoned the police for assistance.

The facts and circumstances surrounding each of the fatal shootings is not indicative of an act of racism by police officers. In general terms, the frequency rate of the three non-caucasian shootings can be stated to be consistent with the recorded visible minority population rate for the greater Vancouver geographic area.

The latest statistics regarding population demographics within British Columbia indicate that the visible minority population for the province is roughly 14.2 percent, based upon a 1991 census (Statistics Canada, 1991). However this same census also revealed that, within the greater Vancouver area, the visible minority population is roughly 24 percent of the general population. Visible minorities within this classification are generally described as individuals whose ethnic origin is South Asian, East and South East Asian, African, Pacific Islands, Caribbean, Black and Aboriginal (Statistics Canada, 1991).

In terms of non-fatal shootings, this study noted only one incident in which a non-caucasian individual was shot and wounded by the police. This study did not reveal any incidents regarding shots fired by a police officer that may have had the potential of killing or wounding a non-caucasian individual. Caution must be emphasized in these two findings as all of the files surrounding the B.C. Police Commission's data base "Shots Fired" were not reviewed, for a wide variety of reasons that have been outlined in the preceding chapter.
Interview Results

For the purpose of this thesis, a total of thirty-four police officers were interviewed. The interviews lasted approximately forty-five minutes and were typically scheduled when the officers were working. The vast majority of the interviews occurred within the municipal police stations, in private secluded settings. However, a small number of interviews occurred in public restaurants and in private residences, at the request of the individual officer. The majority of the conversations were taped and supplemented with notes made at the time.

All of the individuals interviewed were caucasian males with the exception of one caucasian female and one oriental male. Two of these thirty-four individuals are no longer police officers. Both of these individuals left the police force shortly after being involved in a fatal shooting incident. The two officers stated that they left policing as a direct result of their deadly force encounter. During the course of this thesis, it was discovered that three of the twenty police officers (15%), who were directly involved in a fatal shooting incident, have since left policing to pursue other interests.

The interviews of the thirty-four police officers were based upon a proposed interview structure that is contained within Appendix "C". During the course of each interview, six broad categories of questions were covered. These broad categories included the police officer’s background, their preparedness for the lethal-threat incident and the actual incident itself. In addition, interview discussions focused upon the events after the incident. Resulting personal effects, including critical incident stress, were discussed and noted. Finally, other issues that were unique to the officer, the life-threatening incident and or the police shooting were identified and discussed.

Significantly, the issue of victim-precipitated homicide (the phenomenon of suicide by cop) was not specifically mentioned by the interviewer. This was done to prevent the influence or direction of the interview. Each of the participating subjects was asked in general terms to recall and explain their life-threatening ordeal. It is during the course of this discussion that several of the interviewed police officers relayed observations that were consistent with the characteristics associated with victim-precipitated homicide.
The purpose of the interviews was to obtain additional information that went beyond the scope of the typical police investigative report or the Verdict-At-Coroner’s-Inquest report. In this regard, the interviews focused upon the police officer's perception of the incident; namely, how the perceived lethal-threat unfolded before their eyes. Secondly, as they faced the perceived lethal-threat, what course of action did they take and why? Included within this framework were the physiological, psychological, physical and emotional issues that relate to critical incident stress and post-shooting effects. These are issues that are traditionally avoided during the police investigation and court process.

**Critical Incident Stress And Deadly Force**

The richest information that was obtained was generated during the interviews with the eighteen police officers who had been involved in a fatal shooting. Without exception, all of these officers indicated that they had, to some degree, been subject to the physiological, psychological, physical and emotional factors associated with critical incident stress.

The most commonly cited physiological factors experienced by these officers included perception of time, visual and auditory distortions. As the incident unfolded, individual officers noted that their deadly force encounter appeared to occur in slow motion. Often their vision was focused upon the perceived threat with minimal awareness of the events taking place around them. Finally, when shots were fired, they were generally heard as muffled sounds, even though the officers were not wearing ear protection devices.

"We stopped the car and got out. A couple of seconds later a shot rang out. My focus was on the threat. I fired three rounds off at the silhouette and hit the target, one fatal at the head. It was like a scene in a bad movie. It all happened in slow motion. I just knew I got him . . . it all happened in less than ten seconds. (Cst) "X" was lucky not to be killed."

In addition to perception distortions, the majority of these police officers stated that they experienced a loss of fine motor co-ordination upon conclusion of their deadly encounter. Typically
their hands would begin to shake or their legs would go into uncontrollable spasms. At the extreme range of physiological effects, one officer indicated that during the course of his deadly encounter he had difficulty controlling his sphincter. The fear for his life was so intense that the general adaptive syndrome almost over-rode the voluntary control of his bowels.

"He was aiming for me and then he shot at me. It went into slow motion from when he fired the first shot. I was amazed that he didn't kill me. I remember thinking I hope that I don't shit myself. I don't want to die here! I'm so close to home."

After the fatal shooting incident concluded, the majority of officers interviewed stated that they faced a wide variety of psychological and physical effects associated with critical incident stress. The physical effects included a loss in appetite, sleeping pattern changes and a marked decrease in their sex drive resulting in an absence of sexual relations with their spouse or partner. One officer stated, "My sex life went down the tube, forget about that." Another police officer reported:

"Your mind says 'You can't cope with this.' Sleep? I'd wake up every night for several months. I would never re-live the incident but my mind would focus on the incident."

The psychological effects reported included depression, guilt, nightmares, flashbacks, a heightened sense of danger and fear. One of the officers related the flashbacks as a "video going on in your head that you can't control; it just keeps playing the video over and over and over again and you've got no control to turn it off." Another officer explained the after-effects of the shooting as:

"I dream a lot, now years after the incident. Sometimes they're daytime flashbacks, while I'm working. Every time I pass the exact spot on the freeway where I heard the news report of the [fatal] shooting incident [while I was heading home], I think about it."

One officer reported an overwhelming and uncontrollable emotional state that caused him to suddenly weep and cry for days on end. The officer stated that he felt "fine" after the fatal shooting incident until some six months later.
"I thought everything was o.k., it [the shooting] didn't bother me, I was tough. Then suddenly while I was out shopping with my wife and kids I had to park the car in the shopping center. I had this urge to cry, I couldn't control it. Once I started I couldn't stop. My wife had to drive us home. It [weeping] lasted for days."

Another police officer stated that, for several months, he possessed an overriding fear of being alone. "You really need somebody after an incident like this. The worst feeling is like losing control. I followed my wife around like a puppy dog. A couple of days after the shooting I went to have a bath. I remember it was the first time that I had been alone since the incident. I got into the bath tub; I was alone and then suddenly I began to be overwhelmed with fear. I can't describe how scared I was. I jumped out of the bath within a few minutes; I had to find my wife! I couldn't be alone; I couldn't cope and felt I was losing control."

The media was cited by most of the police officers as one of the greatest sources of stress immediately after their fatal shooting incidents. This was a consequence of the continual coverage that surrounded many of the fatal shooting incidents. Particularly painful was the speculation and supposition taken by many journalists who were impatient regarding the release of the official police investigation. These journalists would often produce media articles that were written in a negative manner towards the actions of the shooting officer or of the police agency that employed him.

Police agencies will not traditionally divulge the outcome of their investigation until the entire file has been reviewed by independent Crown Counsel regarding the possibility of criminal charges. Typically, the specific details of a police shooting and the subsequent police investigation are first publicly revealed during a Coroner's Inquest. It is only upon the conclusion of this painstaking and tedious procedure that the media obtains the full story regarding the fatal police shooting.

Unfortunately, many of the interviewed police officers gave accounts of media distortions and inaccurate journalism occurring during the waiting period of the Crown review and the Coroner's
Inquest. These officers stated that the negative slant portrayed in many of the media articles served to further intensify their emotional and psychological state in regards to the fatal shooting incident.

"The media; I’ve never had a problem with what we did. We’re the good guys and out here to help the public and did a good thing, what we’re suppose to do, and now we’re getting fucked. I couldn’t watch the t.v. or read the papers; [they were] obvious examples of distortion."

One of the police officers who was interviewed stated that he has never spoken to anyone regarding his fatal shooting incident. He related to the event as to the “death of a child,” an event in his life that he described as painful and sad, something that he wished had never happened, something that he has obviously tried to put behind him. During the interview, this officer produced a file containing over 50 separate newsprint articles surrounding his fatal shooting incident.

The police officer’s mother had followed the shooting incident through the local print media. She had clipped and saved all of the print articles that were related to her son’s fatal shooting incident. In conjunction with the 50 plus newsprint articles, the officer kept a “scrap book” regarding the legal, union and departmental correspondence that were related specifically to his shooting incident.

The officer advised that, for the purpose of this interview, he went to his parent’s residence and obtained the thick file from the basement of their house. He had always known of the file’s existence but could never bring himself to read all of its contents nor could he keep the file at his own residence.

This file had not been examined for several years, since the conclusion of the Coroner’s Inquest into the shooting.

During the course of the interview the officer avoided looking through much of the file. It was obviously painful for him to see the file and to re-live the memories of his shooting incident. He admitted that he has never been able to bring himself to read most of the print articles within the file. Nonetheless he displayed a desire to participate in the interview and had exhumed his shooting file so that it could form part of this thesis.
Upon examining the file, it was apparent that the vast majority of the media articles appeared to originate from two major newspapers. Several of the headline articles that were first published, initially after the shooting, indicate inappropriate action by the officer. Some of these headlines are as follows:


The newsprint articles containing the controversial headlines were largely based upon speculation and interviews with the deceased’s relatives. During this particular fatal shooting, the media was extremely critical of the police agency and the Chief Constable. The police department stated that they would not provide a detailed account of the shooting incident until a police investigation and a public Coroner’s Inquest had been completed. In response to this vacuum of information, the media portrayed the shooting incident and the police agency in a negative and controversial manner.

Within a few months, the public Coroner’s Inquest into the shooting was held which, as a result of the independent evidence that was presented, exonerated the police officer for his actions. During the Coroner’s Inquest, the media coverage was less frequent and inflammatory but continued to be sensational in nature. Some of these newsprint headlines include:


The vast majority of media interest would subside upon conclusion of the Coroner’s Inquest. Several of the officers interviewed added that the Coroner’s Inquest served as a pivotal point in their coming to terms with the shooting incident. Until the Coroner’s Inquest, there was a degree of uncertainty regarding the investigative findings of the shooting, regardless of how confident they were in their actions.
Only upon the conclusion of this public disclosure were many of the officers able to get on with life and leave the tragedy of the shooting incident behind them. Even years after the fatal shooting incident had taken place, all of the officers reported that they considered it a significant event in their life, one that they will never forget. In this regard, one police officer stated:

“This guy is not gonna screw-up my life forever. It's completely up to me; whether I cope with this and get on with life. I’m sure I drank too much several times. I think about it every day. If you're gonna give up then it's gonna get to you.”

Occasionally, the peers of the officers who were involved in fatal shootings were reported to add to the already stressful situation. In several instances, it was reported that the peers did not treat their colleagues in the same manner as before the shooting incident. The perception was that often these peers would isolate or ignore the officer. In other cases, the perception was that the peers would provide inappropriate gestures of support. For example, one officer reported that immediately after his fatal shooting he was given a mug full of rum and then asked to provide an official statement.

It was reported that some individuals would make jokes or comments that were particularly hurtful and in-appropriate. One officer stated that after the shooting incident his peers would frequently remark, “How are you doing killer?” Two other police officers reported:

“You’d be having a normal conversation and someone would make a stupid ass remark [regarding the shooting]. They’d have a tendency to use black humour. It may be made with good intentions but can be annoying as hell. Wrong thing to say!”

“It was a difficult thing to lead into or be asked about. I remember one guy, a locker room comment, “How's it going killer?” I thought what a stupid thing to say!”

Finally, one officer who reported having minimal difficulties in coping with his fatal shooting incident was quick to attribute his experience to “officer survival” literature. This individual had, prior to the shooting incident, taken a three day training course regarding “Street Survival For Police Officers".
This course is almost entirely based upon police activities within the United States of America but nonetheless provided a resource of "what to expect and what to do if you are ever involved in a shooting incident." This police officer largely attributed his successful coping techniques to the course content and course literature that was presented during the three day session.

"I was married and my wife was four months pregnant. We were home painting when I received the call-out. Things didn't go very well. My spouse saw it on television before I got home. Eventually we were able to hash things through. In 1988 I had been on a "Street Survival" seminar. I had all of the Calibre Press handouts; I went downstairs. I went through the book and the material; it really helped."

**Critical Incident Stress And Less-Than-Lethal Force**

The interviews with the remaining sixteen police officers were less profound. These police officers did not utilize deadly force but nonetheless faced a perceived lethal-threat. Once again, all of the officers indicated physiological experiences that included temporal and auditory distortions. However, the critical incident stress experienced by these officers was to a much lesser degree.

All of these individuals stated that they managed to cope with the minor stressors that resulted. None of these officers stated that they were required to take leave from the profession due to their encounter. Minor psychological effects such as flashbacks and the occasional nightmares occurred.

The nine police officers interviewed, who were recipients of a Police Honours Award, spoke somewhat positively of their life-threatening incident. Many of these officers emphasized that they had acted as officers before them have. However, for some unknown reason they were acknowledged and rewarded for their conduct. The positive feedback and recognition that they received for their actions appeared to mitigate any of the negative stressors associated with a critical incident. One of the police honours recipients stated:

"I can't believe I got an award for this! I'll never forget when I was standing there during the ceremony, about to get my Chief Constable's award. (I had already received my police honours award.) As I stood there, right beside me was Cst. "X". He was involved in a shoot-
out and took some real chances, wound up wounding a guy. What he did was real bravery. So I get a police honours award from the provincial government for what I did and he got nothing. We both received a Chief Cst’s award from our department, yeah, but he’s the one who should have got the police honours—not me.”

Another police honours award recipient added:

“Yeah, I guess it wouldn’t be politically correct to receive a provincial award recognizing bravery after you’ve killed or wounded someone.”

**Post-Shooting Effects And Deadly Force**

In the months and years since the fatal shooting incident occurred, many of the police officers interviewed reported a variety of personal life changes. These officers directly attributed these changes to their fatal shooting. The police officers who faced a lethal-threat, but were able to resolve the incident without using deadly force, did not report these same post-shooting effects.

Several of the police officers who were involved in a fatal shooting reported marital or relationship breakdowns shortly after the incident. Often these individuals stated that their relationship with their significant other was “o.k.”, prior to the shooting. However, when faced with the pressures and stresses that accompanied a fatal shooting, the relationship often crumbled. One officer stated “I went through two marriages after the shooting incident”. Another officer reported, “My marriage ended within a year or two after the shooting. I became distant from my wife and I didn’t talk about the shooting incident with her.”

However there was an equal number of police officers who spoke highly of their spouses or significant others; intimate relationships that served to support the police officer during a time of personal crisis. Often these established relationships were strengthened as a result of the shooting incident.

Unfortunately, several of the officers stated that their spouse, significant other or their children personally suffered as a result of their shooting incident. The police officer’s fatal shooting frequently
became a “family crisis”. One officer stated: “My wife needed help [psychological] after what happened to me.” Another officer reported:

“Not too many people know this, but as a direct result of my [fatal] shooting, my wife developed an eating disorder. We both know it was in response to me killing the guy. Even though it's been years since the shooting she still suffers with the disorder and a few other things.”

In addition to changes in personal relationships, several of the officers interviewed indicated that they became heavy substance abusers shortly after the fatal shooting incident. In conjunction with the substance abuse some of these individuals reported that they became “burned-out”. These officers would deliberately work long hours and apply for stressful assignments as a means of coping with their traumatic experience. This was also explained as a means of showing to their peers that “they were o.k.” as they had survived the shooting. In addition, management would be able to see that they could return to even tougher assignments, without any noticeable effect.

In these stressful positions it was also easier to identify and “fit in” with their peers. In many instances, the peers within these assignments were described as “heavy drinkers”. In addition, several of these individuals had also gone through a divorce. One officer stated he could easily identify with his team members as eight of the officers, within the small section, had also been divorced. However, in hindsight, the officer stated that his new assignment actually perpetuated his stressful lifestyle.

Further personal changes in lifestyle that were directly attributed to the fatal shooting incident, included a change in diet. One officer reported that as a result of the shooting he became a vegetarian.

“Thou shall not kill really means thou shall not murder. I stopped eating meat and never went back to it for over ten years. Now I may have the occasional small bit of meat. It's hard to explain why, I don't know exactly why.”
Finally, two of the police officers interviewed continued to be noticeably affected by the incident even though the deadly force encounter had occurred several years ago. During one interview, as the officer began to re-call how he had faced the threat to his life, his arm started to shake. The shaking continued throughout the interview and was intensified during emotional points in his story. As he spoke of the shooting incident, it was obvious that he could not control the spasms in his arm. However, as the interview came to a close, the officer was able to compose himself emotionally. Upon doing so, his arm ceased shaking.

A second officer was emotionally and psychologically distraught as he recalled his life-threatening encounter that resulted in a fatal shooting. This officer could only discuss the “technical” aspects of his shooting incident. It appeared that he had not come to terms with psychological and emotional aspects of his near-death encounter and fatal shooting.

It was later learned that both of these officers had suffered post traumatic stress to such a degree that they required extensive counselling and a lengthy time away from the work site. Both of these individuals have since returned to policing and have once again become productive police officers within their organization. Without hesitation, these individuals volunteered to participate in this thesis. Both are clearly attempting to come to terms with an incident that has had a profound impact upon their lives.

Summary

A total of thirty-four police officers, who had faced a lethal-threat, were personally interviewed for this study. Most of the individuals interviewed had never spoken to a researcher prior to this study. Twenty-three of the police officers interviewed had discharged their firearm in an attempt to immediately incapacitate a perceived lethal-threat. As stated, two additional officers were interviewed who did not discharge their weapon but were present when their partner fired a fatal shot. These twenty-five officers did not receive a provincial award for their actions.

In addition, eight police officers who did not use their firearm to resolve a lethal-threat were personally interviewed. One additional officer fired his revolver but missed his intended target. These
nine officers each received a provincial award for their actions. These officers reported little, if any, negative personal effects as a direct result of their lethal-threat incident. In fact, these officers spoke quite positively regarding their lethal-threat and the subsequent outcome. Interestingly, these individuals reported minimal psychological and physiological effects as the lethal-threat unfolded. This finding may offer some explanation as to why these officers chose non-lethal intervention strategies in comparison to their peers who chose more violent means of dealing with the perceived lethal-threat.

This thesis also revealed that the eighteen police officers who were involved in a fatal shooting all reported various degrees of physiological, psychological, emotional and physical effects that they attribute directly to the shooting. Significantly, these symptoms were also present in the two officers who did not pull the trigger but were present when their partner fired the fatal shot. One of these two individuals was so adversely affected by the shooting that he has since left the job. Also noteworthy is that, in the majority of these cases, the individuals involved did not receive any positive public recognition from their police agency regarding the shooting.

Significantly, all thirty-four of the officers interviewed stated that they were exonerated for their actions in dealing with the lethal-threat. All of the officers stated that they were not charged under the Criminal Code, nor did they face a disciplinary action as a result of their shooting incident. The police officers involved in the fatal shootings were quick to add that in addition, as a result of the Coroner's Inquest, their actions were vindicated within a public forum.

Also noteworthy is that all of the officers interviewed stated that they did not face any civil actions as a result of their lethal encounter. In many instances, the media had insinuated police "wrong-doings" reporting that criminal, disciplinary or civil actions were imminent against the police officers involved. However, all of the officers spoken to denied any formal repercussions as a result of their shooting incident. Unfortunately, most of these individuals reported personal upheaval and tragedy that they continue to carry with them, several years after the shooting incident. These are consequences that the media failed to report but are nevertheless very real and profound to the officers involved and their families.
Questionnaire Results

The questionnaire that was utilized during this thesis was constructed with intent to obtain information that would be ancillary to the interview and case review. This information would include preparedness/training, the relevance of partners/bystanders, and finally, demographic data. (See Appendix D.)

A total of 34 questionnaires were distributed to the individuals interviewed. A total of 28 questionnaires were returned. Upon reviewing the data from the questionnaires, it is interesting to note that virtually all of the individuals surveyed had received the bulk of their training within British Columbia. Only two individuals indicated that they had received their basic training outside of this province. The R.C.M.P. Academy located in Regina and the Ontario Police College were cited as outside sources of basic training. However both of these individuals noted that they have since received supplementary training from both the B.C. Provincial Academy and their local department.

Also noteworthy is that nine of the individuals indicated that, in addition to their provincial and departmental training, they had taken a “street survival” course. Several of the respondents indicated that this two-day course was taken outside of the province, in Washington state.

In addition to training, the questionnaire attempted to glean information regarding the lethal-threat incident itself. In this regard this thesis has revealed that, in the vast majority of incidents during which deadly force was used, there were two or more police personnel in attendance. Of the fifteen incidents examined, only on two occasions did the shooting officer act alone in the preservation of his/her life or that of another. In the remaining thirteen cases or 86% of the time, there were two or more police officers present when deadly force was used.

This finding may indicate that police officers, who act alone, are more cautious in entering situations. It may also indicate that police officers, who act alone, may be more reluctant to use deadly force. Of the sixteen police officers interviewed who had used deadly force, seven (43%) stated that they did so as a means of protecting their partner’s life. These officer felt that, had they not acted the way they did, their partner would have suffered grievous bodily harm or death.
Four officers indicated that deadly force was used to protect the life of an innocent bystander. The remaining five officers emphasized that they felt that their own life was in imminent danger and that deadly force was the only means of incapacitating the perceived threat.

In addition to these findings, the data contained within the questionnaire revealed that only 4 of the 28 participants had less than four years of police service when they encountered their lethal-threat. This thesis has revealed that the vast majority of the officers involved in a life-threatening encounter were veteran police personnel with five or more years of police service (n=24). Several of these individuals had ten or more years of service (n=11).

In summary, while the questionnaire did not provide a great deal of information it nonetheless has revealed that municipal police personnel who have faced a lethal-threat are for the most part veteran individuals who have been trained within British Columbia. This training has been conducted at the B.C. Police Academy and at their own department, based on B.C. Police Academy guidelines and standards. Equipped with this training and experience, these officers have encountered lethal-threats that in many instances were directed against their police partner or against an innocent bystander.

**Victim-Precipitated Homicide**

As noted in Chapter Two of this thesis, the term victim-precipitated homicide refers to those criminal homicides in which the victim is a direct, positive precipitator of the incident. Victim-precipitated homicide, that is an act of suicide, describes those incidents in which an individual, determined on self-destruction, engages in a calculated life-threatening criminal incident in order to force a police officer or another individual to kill him or her self.

One of the most startling findings of this thesis concerns the frequency and degree of victim-precipitated acts that have constituted lethal-threats to police officers within British Columbia. The characteristics associated with victim-precipitated homicide, or suicide by cop, appear to be a significant factor in roughly half (48%) of the 58 cases that have been analysed for this thesis.
In 28 separate cases, the victim caused or contributed to the lethal-threat of a police officer by intentionally or unintentionally provoking the officer to use deadly force. In the majority of these cases, the individual’s statements and actions clearly illustrate their intent to commit suicide.

In a smaller number of cases the individual did not make a suicidal statement. In these cases the conclusion is drawn that the individual was suicidal, based upon his or her actions and bizarre behaviour. The actions and behaviour documented within the case studies is consistent with behaviour and characteristics associated with suicide.

Also noteworthy is the fact that, in several of the 28 cases examined, the perpetrator of a lethal-threat had a documented history of mental illness and or suicidal tendencies. In addition, documentation in several of the cases reviewed indicate that the victim had a high blood-alcohol reading at the time of his or her death. In some instances, alcohol, substance abuse and mental illness were added to the complex picture of suicidal tendencies.

Based upon these findings, this thesis asserts that the phenomenon of suicide by cop is a significant factor in police use of deadly force and potential deadly force within British Columbia. Individuals who are bent on suicide have in many instances confronted armed police in an attempt to escalate the situation that they have placed themselves in. These findings are apparent in the following cases and discussions.

Municipal Police - Incidents Of Deadly Force

During the period from January 01, 1980 through to January 01, 1995, a total of 15 individuals have been fatally shot by members of municipal police departments. The “Shots Fired” data base maintained by the B.C. Police Commission served as the original source of data for this thesis. Additional information has been obtained by various sources that include police department files, police and witness statements, police investigations, Verdict-Al-Coroners-inquest reports, newspaper articles and, finally, interviews with the officers themselves. An analysis of these 15 separate fatal police shooting incidents revealed that, in eight of these cases, characteristics consistent with that of victim-precipitated homicide (suicide by cop) were displayed by the deceased prior to being shot and
killed. A brief outline of these eight specific cases is provided within Appendix "F". The following excerpt from case number two illustrates a police officer's perception of the fatal shooting incident after it had occurred and all of the facts were known.

(Case Two)

In explaining the fatal shooting, one of the two police officers stated:

"I think he was sitting on the edge of his bed, with his gun in his hand, either placing it in his mouth or thinking about doing it when we came along. His business had gone down the tubes; he was on the brink of divorce. So he had smashed up his own home. What were we going to do about it? We weren't going to put him in jail for what he did. Why else would someone run up to three police officers with a loaded gun? He was bent on suicide; he wanted to die. You put it all together and try to understand his actions; there's no other explanation.

If we would have arrived 10 to 20 minutes later, I'm sure we would have found him dead on the bed, having blown his brains out. I'm convinced he was going to do himself in. Why else would he run out at three police officers and point his gun at us and then slowly squeeze the trigger? He was determined to die."

**Municipal Police - Incidents Of Potential Deadly Force**

There are two recorded incidents where members of the municipal police were in a position to shoot and kill an individual because their lives or the lives of others were threatened. These two files focus upon the period from January 01, 1989 through to January 01, 1995. In both of these incidents, the suspect's actions and statements are consistent with those characteristics displayed during a victim-precipitated homicide attempt. A brief outline of these two specific cases are provided within Appendix "G". The following excerpt from case number two is an example of an individual who was shot and wounded by the police only to be killed some two years later under similar circumstances.
(Case Two)

"He is ordered by police to drop his weapon. Instead, the individual turned and pointed his hand gun at the pursuing police officers, but did not fire his weapon. The police responded to this possible deadly threat by discharging their firearms at the individual. Several shots were fired by the police until the suspect collapses.

The suspect received three wounds, none of which were life threatening. However, upon realizing that he was wounded the 21-year-old male stated to the attending police officers, 'Shoot me, shoot me, . . . finish me off.' The attending officers were shocked by the suspect's statements and immediately rushed him to hospital.

The individual recovered from his gun-shot wounds and was later sentenced to a brief incarceration period. It is interesting to note that, two years later, this same individual once again placed himself in a confrontation with the police. Once again he was in possession of an operable and loaded hand gun but did not use it. Once again he pointed his weapon at police officers. However during this incident he is shot and killed."

See R.C.M.P. Verdict-At-Coroner's-Inquest - Case Number Two.

Municipal Police - Police Honours Night - Bravery

The bravery category, contained within B.C. Police Commission's "Police Honours Night" data, documents those instances where members of municipal police departments and the R.C.M.P. placed themselves at substantial risk of death or serious injury during a particular incident. In the vast majority of these cases, the police officers were legally justified in using potential or deadly force but for a variety of reasons did not. The reported details surrounding these incidents have been taken from official police records that are filed at the B.C. Police Commission. All of these incidents occurred during the period from January 01, 1989 through to January 01, 1995.

Five of the municipal bravery cases reviewed reflect lethal-threats with characteristics that are consistent with those of victim-precipitated homicide. These cases represent examples of individuals who overtly confronted armed municipal police officers in an apparent attempt to escalate a situation
that they had placed themselves in. A brief outline of these five specific cases are provided within Appendix "H". The following excerpt from case number one illustrates the bizarre actions that can occur when dealing with suicidal individuals that engage in life-threatening behaviour in order to force the police to kill them.

(Case 0:1.e)

"The suspect replied 'Go ahead and shoot me!' 'Go ahead and shoot me!' Profanities were added and the suspect began tapping his chest stating, 'Go ahead, shoot me right here.' As these statements were being made, the police officer cautiously advanced to within approximately 12 to 15 feet from the suspect. The officer now clearly saw that the rifle was not loaded. The officer then calmly told the suspect to put the rifle down on the ground.

In response, the suspect placed the barrel of the rifle in his mouth and began to make sounds imitating that he was shooting himself."

**Royal Canadian Mounted Police**

The "Verdict-At-Coroner's-Inquest" reports and the B.C. Police Commission's "Police Honours Night" data revealed several cases where members of the R.C.M.P. have confronted individuals who were prone to suicide. In fact, roughly half of the R.C.M.P. bravery category cases on file with the B.C.P.C. and roughly half of the R.C.M.P. coroner inquest files document police involvement with individuals displaying characteristics of victim-precipitated homicide. An examination of the B.C. Coroner's data reveals that the specific issue of suicide by cop is apparent in 7 of the 12 (58%) R.C.M.P. shootings.

Also apparent within the Coroner's Verdict-At-Coroner's-Inquest reports are the documented findings regarding the significant consumption of alcohol/drugs by the victim at the time of his or her death. In some cases, the Coroner's report also makes reference to the individual's history of suicidal tendencies and mental illness. Specific reference is made to the mental illness of schizophrenia.
In roughly one third of all R.C.M.P. shooting deaths examined, the extensive use of alcohol and
or drugs by the suspect is an apparent and significant contributing factor in the resulting use of deadly
force. The same can be said regarding the issue of mental illness. The data held by the Coroner’s
office reveals that roughly one third of the R.C.M.P. fatal shootings examined make specific reference
to mental illness or schizophrenia. In these cases, the deceased’s mental state is believed to have
been a significant contributing factor in the use of deadly force by the police.

**R.C.M.P. - Verdict-At-Coroner’s-Infquest**

A review of 12 fatal shooting incidents, by members of the Royal Canadian Mounted Police
within the province of British Columbia was provided by way of the B.C. Coroner’s office. These files
focus upon the period from January 01, 1989 through to January 01, 1995. The data revealed that,
during this six-year period, a total of 12 separate R.C.M.P. fatal shootings occurred within the province
of British Columbia. In one particular incident, two individuals were killed by one R.C.M.P. member
thus accounting for a total of 13 fatal shootings deaths during this time period. Seven of these cases
document characteristics that are consistent with that of a victim-precipitated homicide. A brief outline
of these seven specific cases are provided within Appendix "I". The following excerpt from case
number five illustrates the determination of suicidal individuals who confront the police in an attempt to
escalate the situation that they have placed themselves in.

(R.C.M.P. - Case Number Five)

“Upon seeing the police officer the youth stood up on the roof and pointed his rifle directly at
the officer. He then moved to another location on the roof and pointed his weapon towards
other officers. He then threatened to kill the officers stating, ‘Shoot me but, I’m going to kill
one of you first and then you will have to shoot me.’ He then threatened to commit suicide.
The police officers responded by ordering the youth to give up his weapon. The youth would
not comply and continued to shout death threats at the police.”
R.C.M.P. - Police Honours Night - Bravery

As stated, the bravery category, contained within "Police Honours Night" data, documents those instances where members of the R.C.M.P. and municipal police have placed themselves at substantial risk of death or serious injury during a particular incident. In the vast majority of these cases, the police officers were legally justified in using potential or deadly force but for a variety of reasons did not. The reported details surrounding these incidents have been taken from official R.C.M.P. records that are filed at the B.C. Police Commission.

Six of the R.C.M.P. bravery cases reviewed reflect a lethal-threat with characteristics that are consistent with that of victim-precipitated homicide. These cases represent examples of individuals who overtly confronted armed R.C.M.P. officers in an apparent attempt to escalate a situation that they had placed themselves in. A brief outline of these six specific cases are provided within Appendix "J". The following excerpt from case number one illustrates the bizarre actions that can occur when dealing with suicidal individuals that engage in life-threatening behaviour in order to force the police to kill them.

(R.C.M.P. Case Number One)

"As the police officers began to approach the individual, the male suspect escalated his threats by pointing a shotgun at the officers. In response, the officers immediately distanced themselves, taking up a position of cover. The male suspect continued to threaten the police with his weapon; however, the suspect had now placed the shotgun in his mouth and challenged the police to kill him. The suspect then pumped the action of the shotgun to prove to the officers that the weapon was loaded. A later attempt to apprehend the suspect was made without success. The suspect responded by grabbing his weapon and discharging it at the police, missing their position of cover by ten feet."
Why Suicide By Cop?

Durkheim (1897/1951:44) defined suicide as “death resulting directly or indirectly from a positive or negative act of the victim himself, which he knows will produce this result.” Thus, by virtue of this definition suicide becomes an intentional act.

Committing suicide by “traditional methods” that include jumping from a high structure, crashing a speeding vehicle into a stationary object or by a self-inflicted wound requires a decision and commitment on the part of the victim. In victim-precipitated homicides that are born out of suicide, the difficult decision to end one’s life is made by someone else.

Van Zandt (1993) states that the police are specifically singled out by suicidal individuals as they are the only community agency equipped with firearms and the training to react to potentially life-threatening situations with accurate and deadly force. Van Zandt adds that in most instances the police are only a phone call away.

In addition, the stigma and social taboos associated with suicide can be solved upon being terminated by an external mechanism such as the police. As agents of the state, the police officer truly represents a face-less means of ending one’s life in a somewhat dignified manner.

This argument is further supported by the psychoanalytical explanation of homicide as it relates to suicide and the drive for self-punishment. Wolfgang and Ferracuti (1967) illustrate that in the past there has been data in support of the “murder as indirect suicide” thesis. A case in point is the epidemic of indirect suicides which took place in Norway and Denmark in the seventeenth and eighteenth centuries. Depressed individuals committed murder, presumably, so that they would be put to death. These individuals would not commit suicide as their religious beliefs precluded the taking of their own life.

These authors note that the occurrences of murder were so frequent that a special law was passed excluding those individuals from the death penalty. The intent of the legislators was to stop this particular type of homicide (Wolfgang & Ferracuti,1967:206). In 1958, Wolfgang, verified much of this phenomenon through sociological analysis in his hypothesis that an individual may commit an unorthodox form of suicide by provoking another person to slay him or her. In his research, Wolfgang
noted that victim-precipitated homicides represented 26 per cent of a total of 588 homicides studied in Philadelphia (Wolfgang, 1958:345).

Gerberth (1993) furthers this position as he argues that the police can symbolically represent the social conscience. Gerberth notes that, at times, suicidal individuals feel guilty about things that are real or imagined. Police officers traditionally and symbolically represent law and order within society. A guilt-ridden, suicidal individual may enter into an interaction with the police in an attempt to seek punishment that may include death.

In other instances, the suicidal individual may not have the determination to end his or her own life. In these cases, the suicidal individual cannot “pull the trigger” to end his or her own life and, therefore, must seek assistance in fulfilling this goal. Gerberth cites instances in which an apparently armed individual has confronted the police and was killed. The subsequent police investigation revealed that the assailant knowingly confronted the police with an unloaded or inoperable weapon. Gerberth cites two cases to illustrate his point.

Case Number One

“The fatal shooting of a 17 year-old male occurred on December 23, 1992 when the police had attempted to stop the youth for series of traffic violations. A vehicle pursuit developed when the youth failed to stop for the police which eventually ended when the subject’s car drove onto a front yard of a residence. As the police approached the youth he reached for a gun in the back seat of his car. In response, the officers twice order the subject to drop the weapon. Upon hearing the commands the youth stated ‘You’ll have to kill me’ and then turned and pointed the gun at the police.

The police officers responded to the youths action by firing four shots. As the youth was being handcuffed he stated ‘Please kill me, please kill me.’ A check of his weapon revealed that his gun had not been loaded. Further investigation into the incident revealed that the youth was upset with his girlfriend and had told his grandmother that he was going to kill himself or someone else. Relatives confirmed that the youth had been ‘acting and talking crazy’ and that he had made statements that he was going to kill himself.”
Case Number Two

"On October 08, 1990 a 40-year old male was shot and killed by an off duty police officer, working part-time as a uniformed security officer. The subject had entered a closed restaurant brandishing a handgun. Upon seeing the uniformed officer he pointed his gun at him. The officer responded by drawing his firearm and subsequently killing the subject. It was later learned that the subject's gun was unloaded.

Further investigation into the incident revealed that the subject had a lengthy criminal history and had recently returned to drug use. He had stated to friends that if he didn't get out of town he felt that he was going to die in a police shooting. He had also told one acquaintance that he was contemplating suicide. Witnesses to the shooting noted that the subject was seen peering into the restaurant ten minutes before entering. The restaurant was well known to the public as always having a uniformed and armed security officer within the premise. It appeared that the subject had calculated the events that had unfolded."

Gerberth adds that suicidal individuals may use hostage-taking incidents to bring about their demise. In these situations, the suicidal individual will create a confrontational negotiation posture with the police. They will often announce their intention to die or make biblical references, particularly to the Book of Revelations and the resurrection. In addition, these individuals may set a deadline for their own death or begin talking about people who are dead, as if they are still alive. In following this course of action the individual accomplishes his or her own self-destruction while going out in a "blaze of glory."

Summary

The findings of this thesis indicate the significance of the interactional theory and its focus upon victim-precipitated events that at times escalate into homicide. The cases cited illustrate that police use of deadly force can be seen as resulting from the interaction process itself. This thesis asserts that in fifteen cases, the precipitation of the victim has resulted in an escalation of conflict that has culminated in police use of deadly force within British Columbia.
In roughly half of the remaining cases that were examined, the victim once again precipitated many of the events that were about to occur. However, in the majority of these cases the police officers involved used less-than-lethal methods in resolving the conflict. It is not clear why these officers were able to utilize alternatives to deadly force when dealing with their lethal-threat. The answer may lie in their own unique perception of the incident as it unfolded. It may be that these officers did not feel that their life was in imminent danger. It may also be that these officers perceived the availability of other viable alternatives to deadly force.

These findings illustrate the complexities that surround police use of deadly force and how individual officers are given seconds to decide in resolving a potentially lethal conflict. In the conclusions to follow, these findings are discussed with emphasis placed upon further research.
Chapter Five

Conclusions and Implications
From the outset, this thesis has attempted to uncover why deadly force in British Columbia occurs. In this regard, the most significant finding of this thesis is the degree and frequency of victim-precipitated homicide. Suicide by cop has been a prevalent factor in roughly half of the lethal-threats that police officers within British Columbia have faced. In this regard, the role of the so-called “victim” of a police shooting has been brought under scrutiny.

Specifically, this thesis argues that the victim must share some of the responsibility in police shootings that are victim-precipitated. The shooting incident may not have occurred except for the precipitated actions of the victim. In many instances, police officers are “baited” into situations that are escalated by the participant, in an attempt to have the police officer take his or her life.

Another significant finding of this thesis has been the physiological, psychological, physical and emotional consequences that have occurred to many of the police officers who have taken the life of another during the course of their duties. These officers may have been exonerated in a public forum for their actions but, unfortunately, many will continue to pay the price for the life that has been taken.

In this regard, this thesis has discussed the “social taboos” associated with police use of deadly force. Traditionally, police use of deadly force has placed the police officer on the defensive, regardless of how justified the officer’s actions may have been. The notion of a “licence to kill” and a “shield to hide behind” have created a social stigma that frequently surfaces with a police shooting. As noted within this thesis, the media has often intensified and exacerbated this situation.

During his study of homicides in Philadelphia, Marvin Wolfgang (1958) also noted that within contemporary society, the survivor of a homicide incident is typically viewed in a negative fashion. The victim, regardless of their precipitated role, is typically viewed in a more favourable light. In an attempt to explain the social conscience that is associated with a homicide, Wolfgang writes:

“...In many cases the victim has most of the major characteristics of an offender; in some cases two potential offenders come together in a homicide situation and it is probably only chance which results in one becoming a victim and the other an offender. At any rate, connotations of a victim as a weak and passive individual, seeking to withdraw from an assaultive situation, and of an offender as a brutal, strong, and overly aggressive person seeking out his victim,
are not always correct. Societal attitudes are generally positive towards the victim and negative towards the offender, who is often feared as a violent and dangerous threat to others." (Marvin Wolfgang, 1958:265)

Suicide Prevention

Durkheim (1897/1951) believed that cohesion (integration of societal forces) reduced suicidal activity within a community, while anomie (social disorganization) promoted it. In today's contemporary society, sociocultural factors facilitating suicide may include a general state of societal demoralization or fragmentation, permissive social attitudes towards suicide and even media attention to celebrity suicides. Additional facilitating factors include social isolation from a supportive network, suicide of role models or peers (television and films icons), unemployment, and an environment that facilitates suicide such as the availability of firearms (Suicide, 1994:12).

In this regard the government and the media share a key role in shaping public attitudes and in facilitating public education. There is a need for further education regarding the pitfalls of substance abuse and a need to reduce the stigma attached to seeking treatment for depression and suicidal tendencies. This thesis has revealed that a significant portion of suicidal individuals had been under the influence of alcohol or drugs which likely further intensified their negative interaction with the police.

Training Implications

There must be a greater awareness placed upon the training of both police recruits and in-service personnel in those verbal and tactical skills associated with suicide intervention. Noesner and Dolan (1992) note that a police officer who has the ability to converse with a violent subject can redirect their thoughts toward the conversation and away from violent actions. In addition to this training, police personnel must be made aware of the dynamics and frequency of victim-precipitated events and the phenomenon of suicide by cop.
Block (1992) adds that when examining victim-precipitated incidents, the entire spectrum of epidemiological risk must be taken into account including the risk of a particular type of individual being killed by a particular type of police officer. Police training must recognize that the participation of the suspect and the police officer cannot be understood independently of each other; they both must be seen in light of the total situation.

The findings of this thesis indicate that the police should give serious consideration to establishing rigorous training in relation to dealing with suicidal individuals. Police officers require training that will allow them to identify suicidal cues when confronting an individual who is armed and dangerous. By identifying these suicidal cues, the police officer may be able to assess which force option is appropriate for the circumstances at hand.

Significantly, the option of retreat or "tactical withdrawal" must be included within the police response. If possible, police officers should physically distance themselves from individuals who are bent on forcing a victim-precipitated homicide. A tactical withdrawal by the police may serve to neutralize the actions and intentions of the suicidal individual. It may also allow the police to formulate a plan of action that will involve a calculated response with less-than-lethal force.

Police managers must also recognize the need for further research and development of less-than-lethal force options. Historically, Canadian police agencies have lagged behind their American cousins to the south in areas such as body armour, force compliance tools (non-lethal devices that are used by the police to facilitate an arrest) and semi-automatic weapons. In British Columbia, police agencies have only in recent years began to carry less-than-lethal force options that include the telescoping baton and oleoresin capsicum spray.

Within the United States, various law enforcement agencies have adopted additional non-lethal weapons that include the glue, net and Taser guns. These non-lethal weapons provide police personnel with further force options that can be utilized to subdue an violent individual. Importantly, these non-lethal force options provide less severe injuries to both the suspect and the police officers.

One of the significant findings of this thesis is the frequency of injuries that have occurred to police personnel as a result of discharging their firearm during the apprehension of a suspect. This
thesis has also documented two incidents in which a municipal police officer's firearm has been taken away by a suspect. Once in possession of the firearm, the suspect used it on the police.

Meyer (1991) specifically researched the use of the Taser (Thomas A. Swift's Electric Rifle) weapon within a large southern Californian police agency. Meyer noted that the electronic "stun gun" was successful in 86 percent of the times that it was used, a success rate that is comparable with the traditional police firearm. In fact, at close range, the Taser has been demonstrated to be more effective than the .38 revolver in stopping an assailant.

Unlike a firearm, the Taser does not require a hit to a critical area such as the heart or brain in order to cause immobilization (Law & Order, 1992:112). However, the authors are quick to note that while the Taser provides an alternative to deadly force, it is not intended to replace an officer's firearm. This device is designed to be used on irrational individuals who pose a threat to others and cannot be controlled by verbal means. The individual's irrational behaviour may be based upon suicidal tendencies, substance abuse and or mental illness.

As this thesis has demonstrated, in these instances the threat of using a firearm is frequently ineffective. As an alternative to deadly force, the Taser delivers a series of high voltage causing uncontrolled involuntary muscle spasms and a loss of fine motor control to the recipient (Law & Order, 1992:112).

Significantly, the Taser, net and glue guns allow the assailant to live while incapacitating the lethal-threat to the police officer. Unfortunately, the present array of non-lethal weapons available to police officers within British Columbia is limited. There is a wide array of non-lethal weaponry currently available in the United States that should be tested and evaluated within this province. There is a need to look beyond the present limits that have been set regarding force options if police agencies are to effectively deal with the societies that they police.

Meyer (1991) notes:

"The law enforcement community should encourage the development of the 'ultimate non-lethal weapon', modelled on the 'stun' capability of the fictional Star Trek "Phaser."
Finally, police training must address the significant issue of stress management. This thesis has revealed the enormous psychological, physical and emotional stresses that police officers experience during a lethal-threat. In many instances these stressors continue to effect the officer long after the lethal-threat has been resolved. Police personnel must be made aware of these dynamics, prior to encountering a lethal-threat. Further training in this area may reduce the effects of stress when facing a life-threatening situation allowing the officer to seek alternatives to deadly force.

There is also a need to address the "survivors" of a deadly force encounter. These individuals require professional counselling and steadfast support in their hour of crisis. Significantly, the families of police officers who have been involved in a shooting incident additionally need to be included within this process. This thesis has discovered that they are also survivors of a lethal-threat, requiring similar counselling and support.

**Policy Implications**

There is a need to acknowledge, and include, the dynamics of victim-precipitated homicide within departmental policies that pertain to the deployment of force. It is equally important that this phenomenon be acknowledged within the departmental policies and guidelines that pertain to the investigation of use of force incidents. Geberth (1993) notes that victim-precipitated homicides should be investigated as both a homicide and a suicide. In addition to those aspects of a homicide investigation, the clinical considerations and dynamics of suicide need to be addressed within the context of police shootings.

The Attorney General's office must also take steps to recognize the importance of deadly force encounters within the province of British Columbia by setting into motion a regulatory body that will gather, research and publish those incidents and trends related to police use of force. This area of public and police concern has been virtually left untouched and unregulated by the government of British Columbia.

There have been countless studies and recommendations expressing the urgency of the need to establish a use of force co-ordinator for all police agencies within British Columbia. Coroner's Inquests, police agencies and the recent Commission of Enquiry into Policing within British Columbia
have all recognized the need for a co-ordinated approach to understanding and controlling police use-of-force.

Unfortunately, this thesis has revealed a deficient state of affairs that currently exists regarding this topic of concern and importance. As stated, the only comprehensive provincial database that exists regarding police shootings is kept by the B.C. Police Commission. As illustrated within Appendix "E" of this thesis, the statistical information maintained by the B.C. Police Commission is frequently no more than one or two sentences. In the case of the R.C.M.P., the data is additionally inaccurate.

Significantly, the municipal police departments and R.C.M.P. detachments urgently require a co-ordinated approach to all use of force incidents. This will assist in accurately defining policy, procedures, training and the actual deployment of force. These agencies cannot be expected to individually co-ordinate their own use of force incidents in any cohesive manner. The Attorney General's office has an obligation to analyze and minimize, in so far as is reasonably possible, all degrees of force used by police. The provincial government should also ensure that the findings of investigations and adjudicatory bodies are published in a year-end document that is readily available to the public.

Finally, the B.C. Police Commission should address the issue of mandatory Regional Crown Counsel reviews of all police shooting incidents. Presently, police agencies within British Columbia are afforded with the discretion of deciding which investigations will be sent to crown counsel for review and which will not.

In the case of a police shooting, it is recommended that a new Provincial Standard be created requiring all municipal police agencies to submit a detailed investigative report to Regional Crown Counsel whenever a police officer discharges his/her firearm. This process would ensure that all municipal police firearm discharges are reviewed by an external agency that is both independent and empowered to bring the matter to trial, if need be.
Future Research implications

There is an obvious need for further research into the dynamics of victim-precipitated homicide within the context of police use of force. This research must go beyond the boundaries of British Columbia into other provinces within Canada. Are the findings of this thesis unique to British Columbia or does the phenomenon of suicide by cop exist similarly throughout North America? There is also a need to compare this study with other jurisdictions, such as other provinces within Canada, to determine if additional factors are relevant.

One of the significant findings of this thesis was that police officers who were recipients of police honour awards reported minimal psychological and physiological effects as they faced their lethal-threat. This finding may offer some explanation as to why these officers chose non-lethal intervention strategies in comparison to their peers in this study who chose more violent means of dealing with the perceived lethal-threat. However there is a need for further research into this area before any conclusions can be drawn.

It is critical that future research be developed within a specific focus. Carolyn Block (1992) examined the phenomenon of victim-precipitation criminal incidents by codifying the empirical observation that violence attracts violence. In her analysis, Block states that the concept of victim precipitation can lead to the trap of blaming the victim (suspect) for the resulting act of violence. In avoiding the blame-the-victim trap, she states that researchers may fall into another trap, that of blaming the "wicked offender" (the police officer) for the violent and sometimes deadly outcome. Block argues that, in order to avoid either of these traps, a more general approach must be taken in explaining the interaction of the victim and the offender during a violent situation.

In applying Block's argument, several factors must be taken into account when explaining the dynamics of a police shooting incident. These factors include the suspect’s perspective of the incident, the police officer's perspective of the incident, the interaction of the two dynamic groups, the history of those interactions and the conditions present in each incident.

Future research into this area should attempt to address the mentioned micro and macro concerns noted by Block with particular focus upon the occurrence of victim-precipitated suicides that result in police use of deadly force. This thesis has illustrated the important role that the victim of a
police shooting plays. Further research into police use of deadly force must expand the role of the victim by interviewing the perpetrators of a lethal-threat.

The survivors of police shootings and those individuals identified within "police honours" cases must be approached and interviewed. Why did these individuals confront the police? What frame of mind did they have at the time of their lethal-threat? Is there anything that the police officer could have done or said that would have caused the individual to comply and relinquish his/her lethal-threat? Within this context, future research must seek out the suicidal and mentally ill in an effort to understand why they sought out the police during their time of emotional upheaval.

As stated, there have been over 30 separate shooting incidents of death by legal intervention within the province of British Columbia since 1980. There is a need to research thoroughly those incidents of deadly force that have occurred by members of the R.C.M.P. within the province of British Columbia. Unfortunately, owing to the confines of this study and the difficulties that were identified, these issues were not thoroughly addressed.

Finally, the issue of police use of deadly force within Canada desperately requires further research. It must be emphasized that Chappell and Graham based the majority of their findings on deadly force incidents that occurred during the 1970's up to and including 1982. In the past 14 years, the Canadian perspective regarding police use of deadly force has been virtually untouched.

Further research into this area must examine those incidents in which a firearm was discharged by a member of a police department within Canada resulting in the death of an individual. This examination should focus upon the issue of victim-precipitated homicide. Future research into the phenomenon of suicide by cop will hopefully provide additional insight and solutions to a complex social problem.
ENDNOTES

1 Permission has been granted to reproduce the B.C. Police Commission documents entitled "Provincial Standards For Municipal Police Departments In British Columbia" and "A Model Policy And Procedures Manual For Municipal Police Departments In British Columbia."

2 Permission has been granted to reproduce the Justice Institute of British Columbia, Police Academy document entitled "Police Use Of Force: The 'Comprehensive' Model: Progressive Guidelines For B.C. Municipal Police Officers."
REFERENCES


Chappell, Duncan, and Linda P. Graham (1985) Police Use of Deadly Force: Canadian Perspectives. Toronto, Canada: Centre of Criminology, University of Toronto.


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Law and Order (1992) "Reviewing Taser Usage". Law and Order (July): 112.


TABLE OF CASES


*Creizu v. Lines* (1941), 75 C.C.C. 367 (B.C. S.C.) (Smith J.).


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APPENDICES
APPENDIX A

Ethics Approval
January 16, 1995

Mr. Richard Parent
Graduate Student
Criminology
Simon Fraser University

Dear Mr. Parent:

Re: Police Use of Deadly Force in British Columbia

I am pleased to inform you that the above referenced Request for Ethical Approval of Research has been approved on behalf of the University Research Ethics Review Committee. This approval is in effect for twenty-four months from the above date. Any changes in the procedures affecting interaction with human subjects should be reported to the University Research Ethics Review Committee. Significant changes will require the submission of a revised Request for Ethical Approval of Research. This approval is in effect only while you are a registered SFU student.

In some cases, it is advisable that you obtain the permission of the employer of the subject involved prior to beginning your research study.

Best wishes for success in this research.

Sincerely,

Bruce P. Clayman, Chair
University Research Ethics Review Committee

c: S. Verdun-Jones, Supervisor
    N. Boyd, Director

BR/hme
APPENDIX B

Permission To Conduct Research
1995 April 10

Chief Constable J. Cessford
Delta Police Department
4455 Clarence Taylor Crescent
Delta, B. C. V4K 3E1

Dear Sir:

Thank you for your letter of 95 03 31 concerning the request by Constable Richard Parent to review our files and to interview certain Abbotsford Police officers.

Constable Parent has my approval to review the files and to contact any police officer for the purpose of participating in his research project.

Constable Eric McQueen, Training Officer, will contact Constable Parent to make the necessary arrangements. I wish Constable Parent good luck in completing his Masters degree and look forward to reading his thesis.

Yours truly,

N. B. Daniel
Chief Constable

NBD:dc

cc: Constable E. McQueen
DELTA POLICE DEPARTMENT

MEMORANDUM

TO: Cst Rick Parent

FROM: Chief Constable Jim Cessford

DATE: 6 April 1995

RE: REQUEST FOR PERMISSION TO CONDUCT RESEARCH WITHIN THE DEPARTMENT

Further to your memo of March 31, 1995, this is to advise that you are given permission to interview selected personnel within our department and to examine specific files as required, in connection with your research.

I look forward to receiving a copy of your research document once it is completed.

Jim Cessford
Chief Constable

dvh.#18.110
95-04-07

Delta Police Department
4455 Clarence Taylor Crescent
Delta, BC
V4K 3E1

Attention: Chief Constable J. Cessford

Dear Jim,

Re: Police Use of Deadly Force
Cst. Rick Parent

Your letter of 95-03-31 refers.

I am pleased to be able to assist Cst. Parent in his research project. The shooting was well documented and all of the reports and administrative files will be made available to Cst. Parent.

I would ask that Cst. Parent contact A/Insp. Frank Robson, Manager Operation Services, who will coordinate this request for our Service. We appreciate that Cst. Parent will be discreet in his use of this confidential file.

Please do not hesitate to advise me if we can be of further assistance in this matter.

Yours truly,

J.A. (Jim) Thomson
A/Chief Constable

JAT:mcr

c. A/Insp. F. Robson
   A/Insp. B. Sulina
PORT MOODY POLICE DEPARTMENT

OFFICE OF THE CHIEF CONSTABLE
R.C. (RAY) SINGBEIL

1995 April 06

Chief Constable J. Cessford
Delta Police Department
4455 Clarence Taylor Crescent
Delta, B.C. V4K 3E1

Dear Chief Constable Cessford:

Re: Constable Parent - Police Research Project

Further to your letter of 1995 March 31, concerning Constable Parent's request to gain access to certain police files and to conduct interviews of some of my members, you may rest assured of our full cooperation.

Constable Parent may review the files requested, at his convenience, provided that the files remain within our office. With respect to interviewing the members involved in these files, this would be voluntary on behalf of the members. However, I would anticipate each member to fully cooperate with Constable Parent.

I would suggest that Constable Parent liaise directly with Inspector Nelson to finalize the necessary arrangements. I look forward to receiving a copy of Constable Parent's final presentation of this area of critical importance to all law enforcement personnel. I commend Constable Parent for undertaking such an ambitious task.

If I can be of further assistance please do not hesitate to contact me directly.

Yours truly,

R.C. Singbeil
Chief Constable
RC/31
p.c. Inspector Nelson
File PM310-6 (rs/letters/deltapd)
Chief Constable
Delta Police Department
4455 Clarence Taylor Crescent
Delta, B.C.,
V4K 3E1

Dear Chief Constable Cessford,

Re: Research - Police Use of Deadly Force

Further to your letter of 1995 March 31 concerning a request to review specific Saanich Police files and to interview certain Saanich Police Officers.

Constable Rick Parent has my approval to review police files [redacted] which are relevant to his research and to contact [redacted] for the purpose of participating in his research project.

Constable Tim Mots will contact Constable Parent and will make the arrangements necessary to facilitate his request.

Yours truly,

W. O. Nixon
Chief Constable
May 18, 1995

Delta Police Department
4455 Clarence Taylor Crescent
Delta, B.C.
V4K 3E1

Attention: Constable Rick Parent

Dear Sir:

Re: Research - Police Use of Deadly Force

Further to your letter of March 31, 1995 concerning a request to review specific police files and to interview certain Vancouver Police Officers.

Constable Parent has my approval to review the police files relevant to his research and to contact any police officer for the purpose of participating in his research project.

Inspector John McMillan will contact Constable Parent and make the arrangements necessary to facilitate his request.

Yours truly,

R.M. Campel
Chief Constable

CC: Inspector J. McMillan
Executive Assistant
1995 May 30

Delta Police Department
4455 Clarence Taylor Crescent
Delta, B.C.
V4K 3E1

Attention: Constable Rick PARENT

Dear Sir:

RE: RESEARCH - POLICE USE OF DEADLY FORCE

Further to your letter of 1995 March 31 concerning a request to review specific police files and to interview certain police officers.

Constable PARENT has my approval to review the police files relevant to his research, and to contact any police officer for the purpose of participating in his research project.

Cpl. R. TAIT will contact Cst. PARENT and will make arrangements necessary to facilitate his request.

Yours truly,

H.A. JENKINS
Chief Constable

c.c. Cpl. R.R. TAIT

RRT/SMC
APPENDIX C

Consent Form And Interview Structure
SIMON FRASER UNIVERSITY

INFORMED CONSENT BY SUBJECTS TO PARTICIPATE
IN A RESEARCH PROJECT OR EXPERIMENT

The University and those conducting this project subscribe to the ethical conduct of research and to the protection at all times of the interests, comfort, and safety of subjects. This form and the information it contains are given to you for your own protection and full understanding of the procedures and risks that may include psychological stress to be suffered by the participant specifically due to their participation in this experiment. Your signature on this form will signify that you have received a document which describes the procedures, possible risks, and benefits of this research project, (these benefits include the development of a data base on how police officers in BC can further be trained to reduce the likelihood of a police shooting), that you have received an adequate opportunity to consider the information in the document, and that you voluntarily agree to participate in the project.

Having been asked by Richard Parent of the Criminology Department of Simon Fraser University to participate in a research project experiment, I have read the procedures specified in the document.

I understand the procedures to be used in this experiment and the personal risks as noted: Participating individuals will be required to re-live a past event that may possess experiences which may, in turn, provoke negative reactions. This situation may cause psychological stress to the participant. In agreeing to take part in this experiment I may suffer psychological stress.

I understand that I may withdraw my participation in this experiment at any time.

I also understand that I may register any complaint I might have about the experiment with the chief researcher named above or with Professor Neil Boyd, Chair of Criminology, Simon Fraser University (phone number 291-4305).

I may obtain copies of the results of this study, upon its completion, by contacting Rick Parent at 946-4411.

I have been informed that the research material will be held confidential by the principal investigator at his personal residence, in a sealed envelope, placed within a locked filing cabinet.

I agree to participate by allowing myself to be interviewed and by completing a brief questionnaire as described in the document referred to above, during the period from January 15, 1995 through to August 1, 1995 at the prescribed meeting place:

NAME (please print): ___________________________________________________________________
ADDRESS: _________________________________________________________________________
SIGNATURE: _____________________________________________________________________
WITNESS: _______________________________________________________________________
DATE: __________________________________________________________________________

Once signed, a copy of this consent form and a subject feedback form will be provided to you.
PROPOSED INTERVIEW STRUCTURE

1. **Individuals General Background:**

   - Police Experience/Education
   - Marital Status/Support Network
   - Attitude Towards Police Use of Deadly Force (prior to event)

2. **Preparedness:**

   What type of training did they undergo in regards to use of deadly force or potential deadly force?

   Did the individual really believe that they would be required to use deadly force or be required to shoot someone?

   Did they believe that they were capable of utilizing their firearm on another individual? If so, in regards to what specific circumstances?

   Did they discuss this with anyone; a significant other, police peers, non-police friends, relatives?

   Did their training in the academy and later with their department prepare them for the event that took place?

   What are the strengths and weaknesses of the training they received prior to the event?

3. **The Incident:**

   Did the training that they received actually assist their actions during the incident?

   How did they view the incident at the time, what were their feelings as to the dangers that existed?
What was the distance from the opponent when the first shot was fired? Did they use the sights of their firearm or did they adopt instinctive shooting techniques?

What were their perceptions during the incident? Was there an alteration in their perception of the event, i.e. did the sequence of events slow down?

Did they note any physiological changes during the incident? Can they recall factors such as tunnel vision, rapid heart beat, loss of fine motor co-ordination?

What was their immediate reaction after the event occurred?

4. After The Incident:

What was the response from their department immediately after the incident? Were they debriefed, interrogated, isolated or provided with a peer debriefing?

How did the individual feel about how they were treated by their department after the incident? Were there efforts made to assist them in their needs and to offer them general support?

Did they discuss their experience in detail with anyone? Who and how soon after? Did this discussion benefit them? What are their thoughts regarding peer debriefings?

What was the reaction of their peers, families and their friends?

How did the media affect their dealing with the incident?

How did the court process and or the internal disciplinary review affect their dealing with the incident?

What were the "legal processes" that occurred as a result of the incident.

What of the Coroners inquest: When did it occur, what were the findings?

Where there charges via the Police Act for a breach of discipline?
Where there charges via the Criminal Code Of Canada re: excessive use of force?

Did a civil action occur as a result of the shooting?

5. Personal effects:

Did they experience any physical disturbances such as sleep patterns, uncontrollable sweating, eating or digestion disorders?

Did they experience any psychological effects such as flashbacks (How real were the flashbacks, i.e. visual or olfactory), nightmares, phobias, anxiety or depression?

Did they experience any noticeable behaviour changes i.e. withdrawal, short temper, consumption of alcohol, gambling etc.?

Have they since come to terms with the experience? If so, how?

Are they still employed as a police officer? What is their present assignment?

Do they still desire to work the "street" and face the real chance that they may once again be placed in similar circumstances?

6. Additional Questions Unique To The Interview:

- 
- 
- 
- 
- 
- 
-
APPENDIX D

Questionnaire
QUESTIONNAIRE

The purpose of this questionnaire is to determine how police officers, who have been placed in life threatening situations, have made survival decisions that include the use of deadly force. Your participation is part of a larger study that examines the policies, procedures and training that exist in British Columbia and other parts of Canada.

This study is being conducted by Rick Parent, a graduate student in the School of Criminology at Simon Fraser University. The procedures utilized have been examined and approved by my supervisory committee, as well as by the Simon Fraser University Ethics Review Committee.

Please answer the following questions. Your name is not being asked and the data from this questionnaire will be aggregated with that of your peers to ensure confidentiality.

Thank-you for participating.

I. This section is geared to finding out what type of training you received, prior to the event, that assisted in how you resolved the perceived threat.

Preparedness and Training:

1). What type of training did you receive from the provincial police academy, prior to the event?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
2). What type of training did you receive from your own municipal department, prior to the event?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

3). Did you receive any special training, from another source within the province of British Columbia, prior to the event? If so, please explain.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

4). Did you receive any additional training from outside the province of British Columbia? If so, please explain.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
II. In this section, questions are asked that are designed to find out about any additional factors that you considered when you confronted a potential deadly threat.

The Incident Itself:

5). Were you alone at the time of the event or were you working with a partner? If you were with a partner, did your partner's presence influence your resolution of the event?

6). Were there bystanders present during the incident? Did the presence or absence of bystanders influence your resolution of the event?

III. Please provide some demographic information.

Demographics:

7). Year of Birth: 19_
8). Your Gender: Male____ Female____

9). Years of Police Service: _____

10). Years of Police Service at Time of Event: _____

11). Rank at Time of Event: ______________________

12). Educational Level at Time of Event: ________________

13). Finally, please list the various departmental sections that you have worked in, including the approximate time assigned, prior to the life threatening event.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
APPENDIX E

B.C. Police Commission
"Shots Fired"
INCIDENTS OF DEADLY FORCE WITHIN BRITISH COLUMBIA

Statistical Information On Shots Fired By Police

Section 8 of the B.C. Police Firearm Regulations requires that each police department within the province provide an annual report of all the shots fired by police officers. This report is to be submitted to the B.C. Police Commission outlining the discharged of firearms, specifically noting:

1. Number of police officers firing shots
2. Number of shots fired intentionally
3. Number of shots fired unintentionally
4. Number of persons injured (as a result)
5. Number of persons killed (as a result)
6. Number of injured animals shot (for compassionate reasons)
7. Dollar value of property damaged (as a result of shots fired)

The information filed with the B.C. Police Commission provides an accurate count of the individuals within the province who were killed or injured through the use of police firearms. In many instances there is also a brief narrative report outlining the circumstances of the shooting incident.

The twelve municipal police departments within the province each provide a detailed breakdown of the data to the B.C. Police Commission. The R.C.M.P. provide only an aggregate total of statistical information. The statistical information recorded by the B.C. Police Commission during the past fifteen years is as follows:

Participating departments:

Central Saanich Police Department
Delta Police Department
<table>
<thead>
<tr>
<th>Year</th>
<th>Persons Killed or Injured by the Police - Shots Fired</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td><strong>Individuals Killed By Police Firearms:</strong> 1</td>
</tr>
<tr>
<td></td>
<td><strong>R.C.M.P.:</strong> 1 person killed, no information provided.</td>
</tr>
<tr>
<td></td>
<td><strong>Individuals Injured By Police Firearms:</strong> 7</td>
</tr>
<tr>
<td></td>
<td><strong>R.C.M.P.:</strong> 6 persons injured, no information provided.</td>
</tr>
<tr>
<td></td>
<td><strong>Municipal:</strong> 1 person injured, no information provided.</td>
</tr>
<tr>
<td></td>
<td><strong>Incidents With Potential For Injury Or Death:</strong> 0</td>
</tr>
</tbody>
</table>
1981

**Individuals Killed By Police Firearms:** 0

**Individuals Injured By Police Firearms:** 4

R.C.M.P.: 1 person injured, no information provided.

**Municipal:** On December 30, 1981 an armed robbery occurred at a credit union.
Police officer in attendance fired one shot to disarm the suspect.

**Municipal:** On November 20, 1981 one shot was fired at a person attempting to avoid apprehension. The person was suspected of three separate stabbing incidents and had, immediately prior to the shot being fired, thrown a knife at the member. The member's shot hit the suspect, passing through his left wrist and lodging in his buttocks.

**Municipal:** On August 11, 1981 a police officer was attempting to apprehend a robbery suspect when the individual made furtive moves. In response the police officer fired one round at the suspect. The bullet struck the suspect resulting in a lower torso injury. The suspect later recovered and was subsequently charged with robbery.

**Incidents With Potential For Injury Or Death:** 3

**Municipal:** On January 14, 1981 a car chase occurred that resulted in a police officer firing four rounds at a bank robbery suspect. Suspect at this time was a passenger in a stopped taxi cab. The suspect was later apprehended and later charged with robbery. There were no injuries as a result of the firearm discharge.
The taxi received damage estimated at $200.00 (body area of the vehicle) as a result of two bullet holes.

**Municipal:** On February 04, 1981 a car chase occurred that resulted in a police officer firing seven rounds at robbery suspects and their vehicle. The suspects were later apprehended and charged with attempted murder of the police officer as well as robbery. There were no injuries as a result of the firearm discharge. However, the suspect's vehicle received approximately $100.00 damage due to two bullet holes.

**Municipal:** On December 11, 1981, two rounds were intentionally fired during the arrest of a parole violator for Break and Enter and Theft of Auto. (Note: No further data provided.)

1982

**Individuals Killed By Police Firearms:** 2

**Municipal:** On September 15, 1982 police personnel were dispatched to a robbery of a jewellery store. The attending officers were informed over the radio that a hostage situation had evolved. One of the attending officers was involved in a foot pursuit where two shots were fired at a fleeing suspect. The suspect later died as a result of the shooting.

**R.C.M.P.:** - 1 individual killed, no information provided.

**Individuals Injured By Police Firearms:** 6

4 injured R.C.M.P., no information provided.
(However Municipal File #82-**** notes that on the 30 May 1982 at approximately 0650 hours the municipal police and an R.C.M.P. detachment were involved in a police pursuit. The pursuit had originated in the municipal area but eventually concluded on a provincial highway overpass. A total of 18 shots were fired, the majority in an attempt to force the fleeing vehicle to stop. In the process, one R.C.M.P. officer and the driver of the fleeing vehicle were wounded by the shots fired.)

Municipal: On January 13th, 1982 a robbery suspect was located stating that he was barricaded with a hostage. The emergency response team attended and surrounded the suspect. At a pivotal point the E.R.T. (Emergency Response Team) members believed that the suspect had shot at them. As a result the police officers fired 20 rifle rounds and 8 shot gun rounds towards the suspect and the vehicle that he was attempting to flee in. The suspect sustained minor wounds to the chest and shoulder area from glass fragments as well as a minor wound to the foot, presumably from lead fragments.

Municipal: On January 22, 1982 a suspect being investigated for break and enter and robbery fled from the police into his residence. While inside his residence the suspect produced a hidden gun and shot himself in the head. The police officer, believing that he was being shot at, returned fire with his revolver. The officer fired six rounds, hitting the suspect in the forearm and leg. It was later learned that the suspect died from the self-inflicted wound.

Incidents With Potential For Injury Or Death: 3

Municipal: On May 06, 1982 at approximately 0056 hours, while involved in a high
speed pursuit with an R.C.M.P. detachment, a municipal police officer fired two shots at a moving vehicle. The R.C.M.P. officer exited his police vehicle. Upon doing so, the suspect driver appeared to aim his vehicle at the officer. In response the municipal police officer fired two shots at the offending vehicle in an attempt to disable the driver.

Municipal: On February 05, 1982 police were chasing armed suspects who had committed a break and enter. One police officer fired 3 rounds at an armed suspect who was running towards him from an abandoned vehicle. The suspect was not injured.

Municipal: On April 02, 1982 police responded to an incident where a shot was fired during a break and enter/robbery in progress. An attending police officer fired one round at a suspect who was in possession of a shot gun. The suspect had previously fired the shot gun at three individuals who had attempted to disarm him. No injuries occurred during the incident.

1983

**Individuals Killed By Police Firearms:** 3  

**R.C.M.P.:** 3 individuals killed, no further information provided.

**Individuals Injured By Police Firearms:** 3  

**R.C.M.P.** : 2 individuals injured, no further information provided.

**Municipal:** One individual was injured when a police officer discharged his weapon
in pursuit of a suspect. No further information provided.

**Incidents With Potential For Injury Or Death:** 1

**Municipal:** On October 10, 1983 police responded to a man with a gun call. Upon locating the suspect the police commanded the suspect to stop and raise his hands. The suspect continued to walk towards the police and at the same time was observed reaching for something in his rear pocket. As a result of these suspicious actions a police officer fired one round in the direction of the suspect. The suspect then raised his hands. It was later learned that the suspect had a package of cocaine in his pocket. No injuries occurred.

**1984**

**Individuals Killed By Police Firearms:** 3

**Municipal:** On October 30, 1984 a suspect pointed revolver at police. Attempts were made to disarm the suspect with a baton but failed. Two officers fired at and killed the suspect.

**Municipal:** On October 29, 1984 a stabbing of an individual was witnessed by the police. While attempting to arrest the offender the police officer was also stabbed. The intervening officer fired six shots from his weapon but did not stop the assailant. A second officer, who was off duty at the time, came to his aid. The second officer fired one shot at the suspect. A total of seven shots were fired. The suspect later died of his wounds.

**Municipal:** On December 28, 1984 a bank robbery occurred. The attending police
officer located the suspect and chased him into a Burger King restaurant. The suspect pointed a gun at the police officer and pulled the trigger. In response the police officer fired one shot at the suspect who collapsed and died.

**Individuals Injured By Police Firearms:** 4

**R.C.M.P.** : 3 individuals injured; no information provided.

**Municipal:** On June 02, 1984 the police responded to a man with a gun call at a local hotel. The suspect had barricaded himself in a room and had refused to come out. During the stand-off sounds resembling shots were emitted from inside the suspects room. In response the three police officers returned a total of seven shots. One of the shots fired by the police wounded the suspect in his side. A starting pistol was later seized from the suspect.

**Incidents With Potential For Injury Or Death:** 1

**Municipal:** C.L.E.U. (Co-ordinated Law Enforcement Unit) Project 84/** On February 23, 1984 a bank robbery occurred that was being observed by the police. One officer fired one shot as a suspect pointed a loaded weapon at him. No injuries occurred.

**1985**

**Individuals Killed By Police Firearms:** 1

**R.C.M.P.** : One individual killed, no further information provided.

**Individuals Injured By Police Firearms:** 3
Incidents With Potential For Injury Or Death:

Municipal: C.L.E.U. Project 85/** On January 23 1985 a room search for armed robbery suspects resulted in one Emergency Response Team officer firing a single shot from his 12 gauge shot gun into the wall located beside a suspect. No injuries occurred.

1986

Individuals Killed By Police Firearms: 1

R.C.M.P.: One person killed, no further information provided.

Individuals Injured By Police Firearms: 1

R.C.M.P.: One person injured, no further information provided.

Incidents With Potential For Injury Or Death: 1

Municipal: On November 01, 1986 a police officer responding to a call of a man with a gun heard shots being fired. The officer later confronted the individual, in visible possession of a gun, ordering him to drop his weapon. Upon seeing the police the suspect lowered his weapon in the direction of the officer. In response, the officer firing one round at the suspect. The suspect immediately dropped his weapon, he was not injured.
1987

**Individuals Killed By Police Firearms:** 2

**R.C.M.P.:** One individual killed, no further information provided.

**Municipal:** On February 02, 1987, during an E.R.T. operation at request of an R.C.M.P. Drug Squad, one suspect was killed. The suspect was armed and upon entry of the E.R.T. team a gunfight ensued between suspect and members. When the incident was over a police officer and the suspect were dead. Another police officer suffered a minor gunshot wound to his knee.

**Individuals Injured By Police Firearms:** 3

**R.C.M.P.:** Two individuals injured, no information provided.

**Municipal:** One individual injured, as above.

**Incidents With Potential For Injury Or Death:** 0

1988

**Individuals Killed By Police Firearms:** 4

**R.C.M.P.:** One individual killed, no further information provided.

**Municipal:** On June 30, 1988 police attend a suicidal male with a knife. Suspect exited residence brandishing a large butcher knife and approached the two constables. After repeated instructions to stop and drop the knife were ignored, suspect was shot four times and died.
Municipal: On July 19, 1988 police respond to a man with a knife call. Upon entering suspect's residence police were confronted by suspect brandishing a butcher knife in a threatening manner. Numerous verbal commands to drop the knife were ignored. Four shots were fired by one officer, three hitting suspect. Subsequent to the shooting, members found suspect had stabbed another male to death, prior to confronting the police.

Municipal: On December 31, 1988 three suspects held up a beer and wine store at gun point and fled in a vehicle. Suspect vehicle is located by the police and stopped. When speaking to the suspects, one individual did as instructed by the police, while the third began to walk away. When ordered to stop, suspect turned and fired at the police. One officer was struck in the right arm. Three constables returned fire; eight shots were fired with three striking suspect. A second suspect was injured when one of the eight rounds hit him.

Individuals Injured By Police Firearms: 2

R.C.M.P.: One individual injured, no information provided.

Municipal: One individual injured, related to above noted beer and wine robbery.

Incidents With Potential For Injury Or Death: 0

1989 Individuals Killed By Police Firearms: 1

173
R.C.M.P. : One individual killed. No information provided.

**Individuals Injured By Police Firearms:** 5

R.C.M.P. : Three individuals injured, no information provided.

**Municipal:** On March 02, 1989 while police officers were conducting surveillance, the suspects proceeded to leave. A police officer accidentally discharged his service revolver at the suspect vehicle. The bullet ricocheted off the vehicle and hit another officer. The injury was minor.

**Municipal:** On November 19, 1989 an individual was shooting inside of a residence. When confronted by police numerous rounds are exchanged. One police officer receives a shotgun pellet in his cheek by the suspect. Eventually the suspect flees the residence and enters inside a police vehicle. It is at this point that an officer fires 3 or 4 shots through the door and side window of the police car. The suspect is struck in the chest area.

**Incidents With Potential For Injury Or Death:** 1

**Municipal:** On June 07, 1989 an individual enters a business office, in possession of a knife, threatening suicide. The police are summoned who in turn request the specialized services of the Emergency Response Team. The incident comes to a close when police officers fire a blast of tear gas to disarm the individual.

**1990**

**Individuals Killed By Police Firearms:** 3
R.C.M.P.: One individual killed, no information provided.

Municipal: On June 11, 1991 a hostage-taking situation occurs in a law courts. Suspect held 5 hostages at gun point in lock-up area. Suspect's mental condition was deteriorating and the safety of the hostages was believed to be in jeopardy. While attempting to rescue the hostages the police were confronted by the suspect. Suspect pointed his weapon at the police and refused to drop it; the suspect began to fire at the police. Police members fired 15 shots; the suspect fired 6 shots. Three police officers received minor wounds from flying cement particles and bullet fragments. The suspect was struck by nine bullets and died of his wounds two weeks later.

Municipal: On July 16, 1990 two members attend call of suspicious person. When attempting to arrest what they believed to be an intoxicated person the police were overpowered. The suspect then seized the officer's guns and began shooting at one of the members. Seven shots fired at police by suspect. A police member returned fire with his shotgun, three shots fired with one striking the assailant who died the next day.

Individuals Injured By Police Firearms: 12

Municipal: On June 11, 1990 at 0209 hours the police confronted individuals who had stolen a vehicle and were now involved in a high speed chase. The vehicle was stopped by means of a spike belt. The two occupants then fled the vehicle, one armed with a handgun which was later pointed at the pursuing police officers. One officer fired 2 shots at the suspect as he began moving and then later 2 more shots.
Another officer also fired 2 shots at the suspect with the handgun before he collapsed. Five shots were fired by two other police officer (R.C.M.P. members). Suspect received three wounds, non of which were life threatening.

Municipal: On September 04, 1990 a police officer accidentally discharged his weapon while attempting to stop a stolen vehicle. The single round injures the suspect.

Municipal: No File. A municipal member injured herself during a firearms training session.

Municipal: No File. Three municipal members were injured when an accidental discharged occurred during an E.R.T. situation. Three E.R.T. members injured, one eye injury and one forearm injury. Members released that evening.

Municipal: As Above. Three E.R.T. members were injured when bullets hit concrete walls of the court house. A fourth E.R.T. member was injured when he fell backwards and wrenched his back during the shoot out.

R.C.M.P.: Two injured, no information provided.

Incidents With Potential For Injury Or Death: 1

Municipal: On September 22, 1990 police responded to a robbery in progress. Observed a suspect leaving the premise, as a result a foot pursuit ensued with a knife or gun believed to be in the hand of the suspect. During the foot pursuit the suspect suddenly stopped and turned on the officer. At a 3 meter distance the
suspect was observed to have a knife in his hand. An officer discharged one round in the direction of the suspect. The suspect continued to run but was later caught. No injuries sustained.

1991

**Individuals Killed By Police Firearms:** 3

**R.C.M.P.:** 1 person killed, no information provided.

**Municipal:** On January 02, 1991 nine plain clothes officers were on a stake-out regarding a suspect wanted on Canada wide warrant. Once located, two officers attempted to effect an arrest. Upon realizing the situation that the suspect was now in he pulled a gun from his waistband. Suspect did not drop weapon as requested by the officers. In response fifteen rounds were fired at the suspect by police.

**Municipal:** On August 20, 1991 a municipal detective was flagged down regarding a man threatening with knife. Suspect pulled knife in threatening manner and now began to advance towards the identified police officer. The suspect refused to drop his weapon. One round fired - suspect died.

**Individuals Injured By Police Firearms:** 6

**R.C.M.P.:** 5 persons injured, no information provided.

**Municipal:** Police attended a domestic dispute where a suspect attempted to strangle his wife. Physical efforts to control the suspect were unsuccessful. A gas
gun was used causing the suspect to suffer a minor injury to his face. No other details provided.

**Incidents With Potential For Injury Or Death:** 0

1992

**Individuals Killed By Police Firearms:** 3

R.C.M.P.: 1 Person killed, no information provided.

Municipal: On March 03, 1992 Police were dispatched to a call of males fighting on the street. Upon arrival the suspect fled and police pursued on foot. Suspect dropped down and crouched in a "combat shooting" position and appeared to hold a weapon in his hands. Suspect ordered to drop the object but refused. A total of five shots were fired by two police officers. Suspect died at the scene.

Municipal: On May 12, 1992 while executing a drug warrant on a residence police are confronted with an individual in possession of a firearm. Upon seeing the tactical entry of the police officers the individual with the rifle turns and points it at the police officers. The police officer feels that his life and those of his colleagues are in danger. As a result the officer fires his weapon at the individual and kills him.

**Individuals Injured By Police Firearms:** 4

R.C.M.P.: 4 persons injured, no information provided.

**Incidents With Potential For Injury Or Death:** 1

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Municipal: On January 06, 1992 a police officer fired three rounds at a van's wind shield when the vehicle came towards him. No injuries occurred.

1993

**Individuals Killed By Police Firearms:** 1

R.C.M.P.: 1 person killed. no information provided.

**Individuals Injured By Police Firearms:** 7

R.C.M.P.: Four persons injured, no information provided.

Municipal: One person injured. November 23, 1993 seven officers involved. One shot fired, no further information provided.

Municipal: On April 29, 1993 the police were involved in pursuit of a vehicle that lead them to a bridge were the vehicle came to a rest. One officer was injured when shots were fired at the tires of vehicle. The officer was struck by a fragment of the metal causing injury to his right eye. The suspect vehicle was later recovered but the suspects were not apprehended.

Municipal: One individual was injured (believed to be non-police personnel) when two shots were fired intentionally by one officer. (No further information provided).

**Incidents With Potential For Injury Or Death:** 0
1994

**Individuals Killed By Police Firearms:** 2

**R.C.M.P.:** 1 person killed, no information provided.

**Municipal:** At 0213 hrs. April 09, 1994 two police officers attend a location in relation to a call of someone screaming. The officers eventually deal with an intoxicated male who is armed with a metal table leg in one hand and a knife in the other. The suspect is ordered to drop the weapons but refuses. The suspect then begins to advance on both officers. One shot is fired by an officer but it misses. A second shot is then fired which strikes the suspect in the right side of the chest. Suspect collapses and dies.

**Individuals Injured By Police Firearms:** 4

**Municipal:** On the 20th of May 1994 at approximately 2345 hrs. two police officers confront a male who has just been ejected from a hotel. The suspect expresses a desire to fight the police who respond by spraying the individual with pepper spray. The spray has little effect on the violent individual who now goes into a crouched position and pulls out a knife. The suspect then lunges at one of the officers who fires three shots at the suspect hitting him in the stomach, incapacitating him.

**Municipal:** On June 14th, 1994 a riot occurs on the street. A crowd control unit arrives equipped with an “Arewen Gun”. At approximately 2200 hrs. a crowd agitator armed with a screwdriver, waving and advancing at other police officers is shot. The suspect is struck in the head by the Arewen projectile as he crouches.
Municipal: On August 06, 1994 at approximately 1800 hrs. a hostage-taking incident results in a suspect holding a knife to victim’s throat. The suspect is demanding drugs and threatening to kill and cut up the hostage. Police officers respond and attempt to hit the suspect in the head with an “asp” baton but are required to fire a single shot to disarm the suspect.

Municipal: On February 17, 1994 police respond to a report of shots fired. On arrival, the officers are shot at by the suspect. Police return fire, wounding suspect.

Incidents With Potential For Injury Or Death: 1

Municipal: At approximately 1600 hrs. on August 16, 1994 a police officer fired a single shot at a suspect in a car. The suspect was attempting to steal a vehicle when he was confronted by the police. Suspect was armed with a knife and appeared that he was about to strike the officer’s partner with the vehicle. The single shot missed the suspect.
ANALYSIS OF THE B.C. POLICE COMMISSION DATA

An analysis of the persons shot, by the police, within British Columbia from January 1980 through to, and including, December 1994 indicates that:

1). Over 30 individuals were shot and killed by the police during this 15 year period.

2). At least 15 individuals were killed by members of the R.C.M.P. Unfortunately the B.C. Police Commission does not receive a detailed report regarding the circumstances of the incident; thus, there is no further information known other than the number of reported killed or injured persons during this 15 year period. However, the independent data base maintained by the B.C. Coroner's office indicates that at least 21 individuals were killed by members of the R.C.M.P. The Coroner's Office maintains Verdict-At-Coroner's-Inquest reports which provide detailed accounts of fatal police shootings. The data base maintained by the B.C. Coroner's office notes that during the period from January 01, 1989 through to January 01, 1995 a total of thirteen individuals were shot and killed by members of the R.C.M.P. This is in stark contrast to the six deaths reported to the B.C. Police Commission.

3). The Municipal Police Departments within British Columbia were responsible for 15 shooting deaths during the past 15 years.

The 15 municipal police shootings can be further broken down to reveal:

- In one incident, deadly force was utilized to stop a possible hostage situation.
- In four incidents, deadly force was utilized when the suspect was confronted and **pointed a firearm at the police**.

- In four incidents, deadly force was utilized when the suspect, in possession of a gun, **fired upon** the police.

- In five incidents, deadly force was utilized when the suspect **brandished a knife in a threatening manner** towards the police.

- In one incident, deadly force was utilized when the police officers **perceived** that their lives were in danger due to the **suspects actions**.
APPENDIX F

Municipal Police - Incidents Of Deadly Force
Incidents Of Deadly Force

During the period from January 01, 1980 through to January 01, 1995 a total of 15 individuals were fatally shot by police officers employed by municipal police departments. The “Shots Fired” database maintained by the B.C. Police Commission served as the original source of this data. Additional information has been obtained by various sources that include police department files, police and witness statements, police investigations, Verdict-At-Coroner’s-Inquest reports, newspaper articles and finally, interviews with the officers themselves. An analysis of these 15 separate fatal police shooting incidents revealed that, in eight of these cases, characteristics consistent with those of victim-precipitated homicide are displayed by the deceased prior to being shot and killed. A brief outline of these eight specific cases is provided within this Appendix.

Case Number One

During October 22, 1984 at approximately 1640 hours an altercation broke out between two males who were standing outside in a bread line for the needy. As a result of the altercation, one individual was stabbed twice in the stomach. While seeking assistance, the victim observed a marked police car driving in the area and flagged the lone police officer down. The police officer was advised of the altercation and what had transpired. The assailant was identified and pointed out to the officer by the victim.

The lone police officer approached the suspect and attempted to arrest the armed assailant by pushing him up against a fence. The suspect fell to the ground but quickly got up and stabbed the police officer in his left side. The suspect then continued to confront the officer, threatening him with the knife. Numerous witnesses described how the police officer repeatedly ordered the suspect to drop his knife; however the suspect would not comply.

It is at this point that an off-duty police officer, returning home in civilian clothing, noted the altercation and immediately went to the assistance of the stabbed officer. Both police officers drew
their firearms and pointed them in the direction of the assailant. Once again, the suspect was ordered to drop his knife. Once again the assailant would not comply with the police officer's requests.

However, in response to the police commands the assailant stated to the officers, "You drop your guns . . . you lower your guns and I'll drop the knife." In an attempt to calm the situation, the police officers lowered their revolvers to their sides. As this occurred, rather than dropping his knife, the suspect quickly advanced upon the uniformed police officer. As he got closer, the suspect lunged at the officer with his bloodied knife. The threatened police officer reacted by walking backwards, initially maintaining a distance. Unfortunately, as the police officer walked backwards, the suspect advanced.

While walking backwards, the police officer suddenly stumbled on a curb and fell onto his back, directly beside a vehicle parked on the street. The police officer was now in a very vulnerable position, on his back and cornered against a vehicle. Upon seeing this the suspect, still armed with his knife, ran towards the fallen officer. While the suspect advanced he made lunging motions with his outstretched knife towards the officer. The fallen police officer, perceiving his life to be in imminent danger, discharged his firearm at the approaching suspect.

One shot was fired, striking the assailant, but there was no visible effect. The suspect continued to advance. The fallen officer then fired two more rounds from his revolver but still there was no effect. Finally, the officer discharged his last three rounds into the suspect but to no avail; the attacking suspect continued to advance upon the fallen officer. (It was later learned during an autopsy that three of the rounds fired by the fallen officer were direct hits to the suspect's chest area, causing severe damage to vital organs.)

Although fatally shot the suspect continued to confront the fallen officer who was now kicking the suspect in an attempt to keep him out of striking distance with his knife. The fallen officer's firearm was useless as it required reloading before it could be discharged again. It was at this critical stage in the confrontation that the second, off-duty officer was afforded a clear and unobstructed shot at the attacking assailant.

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The second officer advanced to a strategic position and fired a single shot (the seventh) into the chest cavity of the suspect. Upon being hit by this bullet, the suspect took a few steps backwards and fell mortally wounded onto the roadway and died. A total of one minute and 20 seconds had elapsed from the time that the uniformed police officer had been initially 'flagged down' until the time that an ambulance was summoned for the deceased assailant.

It is also interesting to note that, in total, seven bullets had been fired by the police. Six of the seven rounds struck the suspect. The pathologist conducting the autopsy stated that five of the seven rounds entered the suspect's vital organs, causing severe damage. Each one of these five rounds would be considered to be a fatal shot that in most instances would have killed the individual immediately. Nonetheless, the determined and goal-oriented assailant continued to advance upon the fallen officer until he was shot with the sixth and final round.

In examining the incident, one of the officers involved in the shooting felt that the assailant had calculated his actions upon confronting the two police officers. This officer stated:

"We drew down on this guy. I remember he was ranting and raving at us. He had backed up against the iron fence that was there. He was told ‘Drop the knife, drop the knife. All of a sudden he became lucid and said ‘You drop your guns . . . you lower your guns and I’ll drop the knife.’ Up until this point I thought we were gonna have to kill this guy! So we looked at each other and we lowered our guns. I remember saying to myself ‘Thank Christ!’ Then it was weird, like a switch went off in this guys head. All of a sudden he lunges at ‘Smith’ and it all starts!"

In summary, the statement and determined actions by the assailant were out of the ordinary. This incident cannot be explained as a “routine shooting”. The two police officers were both very hesitant in deploying deadly force during their confrontation with the assailant. These officers clearly attempted to resolve the altercation by less-than-lethal means. However, the statement and subsequent actions by the assailant indicate that he was prepared to die. This individual deliberately, and with some degree of calculation, engaged the two officers causing the situation to escalate.
Both police officers were armed with revolvers, the suspect with a knife. The police officers wished to resolve the incident peacefully. The suspect did not. Faced with these formidable odds, the suspect decided to confront the police. His physical and mental determination were so extreme that, while mortally wounded, he continued to advance upon the fallen officer. It was only upon being hit by a sixth bullet that the suspect's intentions fell short.

**Case Number Two**

On October 30, 1984, at approximately 10 p.m., two municipal police officers were summoned to a domestic dispute phoned in by the neighbour. The wife of the residence had been assaulted and fled to the neighbour's residence. The husband was believed to be still inside the his residence. The caller advised that the husband was very angry and upset. Apparently the husband was in the house breaking furniture and other household objects.

In response, two police officers attended the neighbour's residence and spoke to the assaulted wife. The injured women advised that she had recently split-up with her husband, stating he had moved out the day before yesterday but had returned that evening. Upon his return, an argument had erupted and the woman was assaulted. She stated that her husband then literally began to destroy the inside of the residence.

As the officers spoke to the victim at the neighbour's residence, they heard the sound of glass breaking from inside the victim's house. A record check of the residence was conducted by the police dispatcher, which revealed that there were no previous calls to the residence in question. In addition, the wife stated that her husband did not have possession of any firearms.

Owing to the volatile situation a third police officer attended to provide back-up. The three police officers then attended the victim's residence where they noticed that a large window, adjacent to the front door, had been smashed with a log sticking through it. The main floor of the residence was in darkness but there was light coming from the upper floor. Upon entering the residence, it was noted that the inside area of the main floor was littered with debris. Every imaginable object within the living room area was smashed and broken. It appeared as if a hurricane had entered the residence and torn
everything apart. The officers also noted finger marks of blood on the walls. The destruction was so intense that the supervisor on the scene summoned additional police units to attend the residence.

In an attempt to locate the general whereabouts of the 55 year-old male husband, two of the police officers in attendance cautiously began walking up the stairs to the second floor of the residence. As they walked up the angled staircase they could see that the ceiling fixtures were illuminated on the second floor hallway; however, all doors off the hallway appeared to be closed. One door, at the end of the hallway, was partially open.

For the first time, the two officers could see the husband through the partially open doorway. The husband was in a bedroom located at the end of the hallway, approximately twenty-five feet away from the top of the staircase where the two officers had cautiously positioned themselves. Upon locating the husband one of the officers stated, “Mr. Smith, we would like to talk to you”. Upon hearing this the husband yelled, “Yeah right” and then quickly slammed shut the door of the room.

The third officer began to walk up the angled staircase to the position of the two officers when the far bedroom door suddenly opened. The husband quickly entered the hallway and began to hastily walk the twenty-five foot distance towards the three officers. His left hand was in front of him and his right hand was behind his back. As the husband quickly approached the officers (within seconds), it was apparent that he was in possession of a large calibre handgun. When the husband was within three feet of the nearest officer, he produced a 357 magnum revolver from behind his back and levelled it at the waist of the first officer.

In response to the lethal threat, the first officer pulled his baton and struck the husband’s right hand. This caused the husband to turn the weapon towards the third officer who had now begun to walk up the staircase. The first officer then struck the husband’s hand again and again with the baton, in an attempt to get him to drop the firearm. However, this was to no avail as the individual appeared determined to hold onto the firearm and now began to aim his weapon at the third officer.

As this occurred, the first and second officers drew their police firearms. The individual was repeatedly told to drop his weapon as both officers took aim with their revolvers. There was no reply
or statement made from the husband. In response, he carefully levelled and aimed his weapon at the third officer and now began to slowly squeeze the trigger of his weapon.

As the two officers observed this, they discharged their firearms, killing the husband before he could fire his weapon at the third officer. Upon being shot, the husband collapsed onto his back with his revolver dropping from his right hand onto the floor. The officers then checked the individual's 357 magnum revolver and found that it was loaded and fully operational; however, the husband had never fired a round. The entire incident had unfolded in a matter of seconds but nonetheless there was ample opportunity for the husband to discharge several rounds at the officers.

Additionally cryptic to the incident was the fact that no comment or statement was ever made by the husband upon his rapid departure from the bedroom. He suddenly ran out of the bedroom and confronted the three police officers, point blank, with a loaded weapon for no apparent reason. Upon being hit repeatedly by a wood baton, the determined individual would not relinquish his firearm. It is only when the husband began to slowly squeeze the trigger of his firearm that the officers responded with deadly force.

In explaining the events, one of the two shooting police officers stated:

"I think he was sitting on the edge of his bed, with his gun in his hand, either placing it in his mouth or thinking about doing it when we came along. His business had gone down the tubes; he was on the brink of divorce. So he had smashed up his own home. What were we going to do about it? We weren't going to put him in jail for what he did. Why else would someone run up to three police officers with a loaded gun? He was bent on suicide; he wanted to die. You put it all together and try to understand his actions; there's no other explanation.

If we would have arrived 10 to 20 minutes later, I'm sure we would have found him dead on the bed, having blown his brains out. I'm convinced he was going to do himself in. Why else would he run out at three police officers and point his gun at us and then slowly squeeze the trigger. He was determined to die."
It was later learned that some twenty years earlier, the husband had been admitted to a mental institution after badly beating his first wife and demolishing his newly renovated home. A behaviourist with the B.C. Coroner's office advised that the circumstances surrounding the incident in October 1984 were virtually identical to the circumstances during March 1961. However, in this instance, the husband would not be returning to a mental institution.

**Case Number Three**

At approximately 0450 hours during June 1988, police officers were summoned to attend a residence in which there was a telephone report of a male who had stabbed himself with a knife. The caller had advised the police that the individual in question was a "psychiatric case" and everyone inside the residence was "freaking out".

Two uniformed police officers arrived at the residence, simultaneously, in separate police vehicles. As the two officers approached the doorway of the residence, they are beckoned in by a female. Before they could enter, a 23-year-old male individual suddenly exited the residence with a large butcher-type knife in his left hand. The knife was held in a threatening position at approximate ear level. Upon seeing the individual and his act of aggression, the police officers separated in the yard and drew their firearms. The subject was ordered to drop his knife by both officers. In response to their commands, the individual continued to hold the knife in an upright striking motion, stating. "Shoot me, go ahead . . . shoot me" to the two officers.

Upon stating "Shoot me, go ahead . . . shoot me", the individual then began to advance towards one of the police officers, his knife still raised in a striking motion. Once again he was instructed to drop the knife; however he refused and continued to advance upon the officer. When he was within approximately six feet of the officer, both police officers discharged their firearms. The bullets struck the individual and he collapsed to the ground and died. A total of 21 seconds had elapsed from the time that the two police officers had initially arrived at the scene until the shots were fired (and an ambulance requested).
One of the two police officers stated:

"It all happened so fast. I fired as soon as I could. He wanted to die. He said shoot me. He was crazed; he had that thousand yard stare . . . that nothing look behind his eyes. It wasn't a stand off; he was gonna kill me. I could have run but I would have had to turn and I would have got stabbed."

The police officer added:

"I was on the stand in Coroner's court [giving evidence] for five and a half hours on something that happened in 19 seconds."

During the Coroner's Inquest, it was learned that the deceased individual was depressed, suicidal and extremely agitated moments before his death. He had been drinking for almost 12 hours prior to his death. It was revealed that at the time of the incident, he possessed a blood-alcohol reading of .238 per cent, almost three times the legal impairment limit.

While inside the residence, the deceased had self-inflicted approximately 12 knife wounds to the inside of his left wrist. Although these wounds were superficial, they demonstrated his state of mind immediately before the police had arrived. The occupants of the residence testified that they recognized that he required help, help that they were not capable of providing. In response, the family members summoned the police.

Further evidence during the Coroner's Inquest heard testimony from an expert witness who testified that there is a recognized psychiatric phenomenon known as "victim-precipitated homicide" which, despite its name, is a species of suicide. Another expert witness testified that an attacker with a knife enters a danger zone when he gets within 30 feet of an individual. It was stated that a person with a knife can travel 30 feet in 1.5 seconds but that it takes a police officer 1.5 to 3 seconds to respond to an attacker by drawing and firing a gun. The expert witness concluded that the two police officers should have fired their weapons sooner than they did.
After deliberation, the Coroner's Jury classified the police shooting as a suicide. The jury concluded that the knife wielding individual had "invited" the gunfire from the police that resulted in his death.

Case Number Four

In July 1988, police officers were dispatched to a 'man-with-a-knife' complaint. A woman had just reported that she had been chased down the street by a male brandishing a large knife. The first unit on the scene was a two-person, plain-clothes unit. The two police officers had been walking in the area when they heard the request for assistance.

Upon arrival, the officers spoke to a neighbour who advised that the woman who summoned the police had left. The neighbour then advised that the suspect with the knife had returned to his residence, located in an adjacent rooming house.

In an attempt to locate the suspected individual, the two police officers entered the common hallway of the large rooming house. Both officers unholstered their firearms as a precaution. As they stood shoulder to shoulder inside the narrow hallway, they noted that one single door was open. Suddenly, the two officers were confronted by a male who stepped from the open doorway with a blood-stained 8" butcher knife in his left hand. The two officers identified themselves as police officers and immediately pointed their weapons at the individual. They then commanded the male to drop his knife, as he was only a few feet away from their position. In response to their commands, the male stepped back into the doorway from which he had originally appeared. The subject disappeared into the apartment residence and could not be seen by the two police officers.

Suddenly, the male suspect re-appeared in the doorway, clutching his bloodied knife in a downward position. The suspect came out of the door towards the two police officers and states; "Go ahead, shoot me, shoot me, shoot me." Upon stating these words to the two officers, the individual turned his knife upwards into the air, in a striking motion, and pointed it towards the police. The two police officers once again commanded the individual to drop his knife. The individual was silent, remaining poised at a distance of approximately three feet away from two officers.
Both of the officers were literally shoulder to shoulder in the narrow hallway, allowing no room for movement nor retreat should the individual strike with his knife. Both were in imminent danger as they were within easy striking distance of the knife. Fearing for their lives, one officer fired four rounds from his revolver. The second officer stated that he also feared for their lives. He also began to squeeze the trigger of his revolver when he heard his partner's weapon discharge. Upon hearing the discharge and seeing the suspect collapse to the ground, the second officer released his finger from the trigger, never firing his weapon. The entire incident, from the initial confrontation to the firing of the police officer's revolver occurred in less than one minute.

After fatally shooting the suspect, the two police officers checked the inside of his residence. Inside the suspect's residence the police officers found a dead body. A subsequent police investigation revealed that, just prior to confronting the two police officers, the suspect had fatally stabbed another individual inside his room. This was the same room from which the suspect had initially appeared while in possession of his bloodied knife.

During the Coroner's Inquest, it was also learned that the suspect was suffering from some unknown form of mental illness which caused him to be violent at times. Two days prior to the police shooting, the suspect had been admitted to a nearby hospital due to his violent behaviour. However, on the day before the shooting, the suspect had walked away from the hospital, against medical advice.

Also during the Coroner's Inquest, expert witnesses testified that within a 30-foot radius, a police officer is in imminent danger from a person in possession of a knife. Within this radius, an individual in possession of a knife can seriously wound or kill. The Coroner stated that as the police officers were only three feet away from the suspect (when he confronted them with his knife), they were in "grave danger from the outset" of being approached by the assailant.

**Case Number Five**

During June 1990, a hostage-taking situation occurred in the law courts of a municipality. The incident resulted soon after a 38-year-old male had been charged and convicted of violations pursuant
to the Federal Fisheries Act. The charges, which included the offence of obstruction of a peace officer, resulted from an incident in 1988. The accused had appealed his conviction and a new trial was granted. A condition set by the court was that the accused was to surrender himself to the court Sheriff’s Services on the morning of the new trial.

On the date of the new trial in June 1990, the accused attended the court house and met with his lawyer. A brief meeting took place between the two individuals. Then according to the terms of the recognizance, the accused surrendered himself to one of the court sheriffs. The sheriff escorted the subject to the third floor of the court house where he was to be booked into the lock-up facilities, prior to the trial.

As the sheriff was about to conduct a physical search of the individual, he suddenly produced a loaded .357 magnum revolver. With his hand gun pointed in a threatening manner, the accused took three sheriff personnel and an interpreter as hostages.

With his hostages fully secured, the accused demanded (through the interpreter) that he wished $485,000.00 as compensation for lost wages. In addition, the accused wanted charges dropped regarding the fisheries violations as well as assurance that there would be no charges as a result of the current incident. Finally, and central to his demands, the accused desired to speak to the federal Fisheries officer who charged him initially in 1988.

The accused stated that the Fisheries officer was to come to the Sheriff’s booking area (scene of the hostage taking incident) and to speak to him face-to-face. Police intelligence believed that the accused intended to murder the Fisheries officer at the first opportunity in revenge for the disgrace and humiliation of being charged and convicted. As a result, the Fisheries officer refused to meet with the accused until he first surrendered his weapon and released his hostages. The accused did not agree to this arrangement.

The municipal police Emergency Response Team was summoned and positioned within the court facility. Negotiations were commenced with the accused through the hostage interpreter and a trained police negotiator. During negotiations the accused displayed erratic emotional behaviour and on several occasions stated “there will be no tomorrow” for either himself or his hostages if his
demands were not met. Owing to the accused's statements and actions, police negotiators felt that the accused was prepared to die and possibly kill the hostages and any intervening police officers. One of the officers at the scene stated:

"His actions and comments lead us to believe that he would kill the Fisheries Officer and then commit suicide. We were there for a couple of hours. The female interpreter (hostage of the accused) was crying. He (the accused) was yelling and waving his gun, ordering people around inside. We knew he was bad news after listening to him for the two hours [prior to any rescue attempt]."

Owing to this precarious situation, a police-emergency-response rescue was attempted. Police intelligence revealed that the accused was contemplating the use of washroom facilities. It was believed that, while doing so, an opportune moment would occur, leaving the hostages unattended and capable of rescue. As a result, a tactical police unit entered the booking room area and attempted to free the hostages. Unfortunately, as the entry was being made the accused suddenly and unexpectedly returned from the washroom.

Upon seeing the police officers in the booking room area, the accused started to level his hand gun at the intervening officers. He was ordered to drop his gun, but refused. The accused instead levelled his weapon at the police officers. Three police officers responded by firing their revolvers. One of the three shooting police officers stated:

"He came out early; I stood face to face with him. I remember him bringing his gun up and coming towards me. I was thinking this guy is gonna kill us. He then raised his gun at me, so I shot at him. He started shooting at us. I could feel the concussions, . . . like someone is slapping me."

As the accused was hit by the police bullets he began to fall to the ground. While falling, the accused managed to discharge all six rounds in his weapon, at the general direction of the police officers. Three police officers received minor wounds from flying cement particles and bullet fragments. The nearby hostages did not receive any injuries although they were nearby when the
shooting incident unfolded. The suspect was struck by nine police bullets. He was rushed to the hospital where he remained in critical condition for 13 days before dying from multiple-organ failure.

Case Number Six

At approximately noon, August 20, 1991 a plain clothes detective was conducting a routine investigation when he was suddenly flagged down by a passer-by. The concerned citizen had just observed an individual threatening people with a knife. A 6'3", 225 lb. male suspect was approaching people on the street and panhandling for cigarettes. When one individual refused to give him a cigarette, the suspect pulled out a kitchen steak knife. He then slashed at the individual as he held up a plastic bag full of cans in an attempt to deflect the attack. The knife cut through the bag but did not strike the person.

Uniformed police had been summoned to attend. However, in the interim, witnesses to the event approached the plain clothes officer and advised him of the circumstances. The plain clothes officer responded to the by-stander's request and located the suspect calmly sitting in front of a building on a busy municipal street. The officer approached the suspect and identified himself as a police officer. The officer then requested the knife that he believed was in the suspect's pocket.

Upon hearing the officer's request, the accused suddenly stood up. The suspect then produced a knife from his right front pocket and held it down to his side. The suspect then began to advance towards the officer. The police officer attempted to gain eye contact with the individual but to no avail. The individual would not look directly at the officer nor would he speak. He continued to walk towards the officer with his knife in his hand.

In response, the police officer drew his revolver. The suspect was ordered to drop his knife several times but he refused and continued to advance on the officer. The officer continued to talk to the suspect, now advising him that if he did not drop the knife he would be shot. The officer stated that he observed the suspect to have a "strange look" on his face while still refusing to engage in any eye contact.
When the suspect was within 10 feet of the officer he raised his knife in a threatening manner, continuing to advance. The police officer responded to the threat by discharging one round from his revolver. The bullet struck the suspect in the left chest area. The suspect fell to the ground and was subsequently pronounced dead upon arrival at a nearby hospital.

During the Coroner's Inquest, it was learned that the deceased had a long history of schizophrenia and had been in and out of institutions over a number of years. He had also been non compliant in regards to his prescribed medications. On the evening prior to his death, he had acted in a threatening manner to staff at a drop in centre resulting in the police being called. Unfortunately, the individual had left the area prior to police attendance and was, therefore, not apprehended.

Case Number Seven

During March 1992, at approximately 9 p.m., an individual and three friends checked into a motel. Prior to checking into the motel, the group had consumed between one-half and three-quarters of a forty-ounce bottle of vodka. Upon arrival at the motel, there was a loud verbal altercation between the individual and his three friends. As a result, the individual left the hotel room.

It was at this point that the 21-year-old male was approached by the motel clerk who requested that the individual and his friends refrain from making undue noise. The male responded to the request by physically assaulting the desk clerk. The desk clerk, looking for help, noticed a marked police vehicle patrolling in the area and flagged the uniformed officer down.

The lone officer also observed the altercation, occurring in plain view, and immediately went to the assistance of the injured clerk. Upon seeing the police officer, the suspect now fled on foot. The police officer responded by advising police dispatch of the incident and pursued the suspect on foot. The chase progressed down several lane ways, joined by another police officer. The lighting in the area was artificial and inconsistent at best. Nonetheless, the two police officers pursued the suspect until he was finally cornered in a parking lot.

Upon being cornered the suspect suddenly stopped and turned towards one of the officers. He then reached into the front of his pants and pulled out a black object. The suspect then adopted a
combat shooting stance. This stance is known to frequently occur when individuals, using a hand gun, are about to shoot at close range.

The initial pursuing police officer responded to the actions of the individual by ordering him to “freeze” and “drop it”. These commands were stated several times. The suspect did not comply to the police demands. He appeared to be angry and agitated and responded to the police demands by stating, “Fuck-you; Fuck-you!”

Upon saying “Fuck-you; Fuck-you”, the suspect suddenly swung around and pointed his hands, while grasping the black object, directly at one of the police officers. Both police officers believed that the suspect had a firearm in his hand due to his actions, behaviour and statements.

The initial foot pursuing officer now believed that his life was in imminent danger. The police officer responded to the perceived threat by firing four rounds from his revolver. The second officer also discharged one round from his firearm. A total of five shots were fired by the two officers in attendance.

The suspect fell to the ground and died. Less than three minutes had elapsed from the time that the initial officer was flagged down until the time that an ambulance was summoned for the deceased male.

It was later learned that the black object in the suspect's hand was in fact a black portable radio. There was no evidence presented at the subsequent Coroner's inquest that would indicate what motivated the suspect to become aggressive and threaten the police.

Case Number Eight

During April, 1994, at approximately 0213 hours, two police officers were summoned to a complaint of someone screaming. An individual had gone on a rampage and created a disturbance in the building where he had lived. The individual was heard pounding on doors and screaming. He had also broken the window in his apartment.
The two police officers attended to the reported incident and eventually dealt with an intoxicated male who was responsible for the disturbance in the building. One of the officers described the individual as being "extremely violent, agitated, and totally uncontrollable."

While being questioned by the two police officers, the individual was armed with a metal piece of pipe (table leg) in his bloodied hand and a knife in the other. The police officers ordered the suspect to drop his weapons but he refused.

Instead, the suspect dropped into a crouched position while holding his weapons, his outstretched arms slightly bent at the elbows. He then stated to the officers, "Go ahead, kill me. Go ahead, shoot me. I don't care anymore. Shoot me. Kill me." As he stated this, the individual began to advance on both officers.

One police officer, perceiving that the suspect was extremely violent and fearing for the life of his partner, discharged his weapon when the suspect was within five meters. The bullet missed and the individual continued to advance. This same officer fired a second shot which struck the suspect in the right side of the chest. The individual collapsed and died.

At the Coroner's Inquest, the second officer involved in the incident testified that he had also feared for his life. The officer advised that he was about to discharge his firearm when he heard his partner discharge his weapon.

The Coroner's Inquest also revealed that the deceased had a blood-alcohol level of .27 at the time of his death, over three times the legal impairment limit. There was no evidence presented as to why the deceased had acted in a threatening manner to the police.
APPENDIX G

Municipal Police - Incidents Of Potential Deadly Force
Incidents Of Potential Deadly Force

For the purpose of this study, there were two known recorded incidents where members of the municipal police were in a position to shoot and kill an individual because their lives or the lives of others were threatened. These two files focus upon the period from January 01, 1989 through to January 01, 1995. In both of these incidents, the suspect's actions and statements were characteristic with those of an individual of victim-precipitated homicide. A brief outline of these two specific cases is provided within this Appendix.

Case Number One

In June 1989, municipal police were summoned to deal with a suicidal male who had entered a union worker's office. The two responding police officers were confronted by an individual who was in possession of a butcher's knife and had slashed his wrists.

The suspect was clearly suicidal, hoping that he would induce the police to kill him. The attending officers decided to withdraw to a position of cover until an Emergency Response Team could be deployed. Later when the team was in place, the suspect emerged and drew a knife from his waistband and began to advance towards two emergency response team members. One of the specially equipped officers responded to the threat by firing a blast of tear gas when the individual advanced to a distance of eight feet. The suicidal male was knocked off his feet, causing him to lose control of his knife. Police officers intervened and the suspect was subsequently arrested. (No injuries occurred to the suspect as a result of the fired tear gas container.)

Case Number Two

During June 1990, at approximately 0200 hours, municipal police confronted individuals who had stolen a vehicle and were now involved in a high speed chase. The police were aware that the two individuals were dangerous and are believed to be in possession of a handgun. The pursuit continued until the vehicle was suddenly stopped by means of a spike belt.
As the vehicle chase ended the two occupants fled from the vehicle, one armed with a handgun. Police officers in attendance began a foot chase of the two individuals, when one of the suspects suddenly produced a handgun. He was ordered by police to drop his weapon. Instead, the individual turned and pointed his hand gun at the pursuing police officers, but did not fire his weapon. The police responded to this possible deadly threat by discharging their firearms at the individual. Several shots were fired by the police until the suspect collapses.

The suspect received three wounds, none of which were life-threatening. However, upon realizing that he was wounded, the 21-year-old male stated to the attending police officers, "Shoot me, shoot me, ... finish me off". The attending officers were shocked by the suspect's statements and immediately rushed him to hospital. It was later learned that the suspect had in his possession an R.C.M.P. hand gun that was stolen from a police officer's residence. The weapon was loaded and fully capable of being fired.

The individual recovered from his gun-shot wounds and was later sentenced to a brief incarceration period. It is interesting to note that, two years later, this same individual once again placed himself in a confrontation with the police. Once again he was in possession of an operable and loaded hand gun but did not use it. Once again he pointed his weapon at police officers. However during this incident he was shot and killed.

While involved in a bungled robbery, a stand-off situation arose involving this individual. He once again refused to comply with repeated police requests to drop his weapon. He did not use the weapon but continued to brandish it about, pointing his gun directly at the police. However, in this second incident, the individual escalated the situation by implying that he had hostages, and levelled his loaded weapon at the police. It was only after an accumulation of these threats and taunting actions that the police officers felt that they had no other option but to use deadly force. This same subject was shot and killed by the police. See R.C.M.P. Verdict At Coroner's Inquest - Case Number Two.
APPENDIX H

Municipal Police - Police Honours
Night "Bravery"
Municipal Police In British Columbia

Police Honours Night - Bravery

The bravery category, contained within B.C. Police Commission’s “Police Honours Night” data, documents those instances where members of municipal police departments and the R.C.M.P. placed themselves at substantial risk of death or serious injury, during a particular incident. In the vast majority of these cases, the police officers were legally justified in using potential or deadly force but, for a variety of reasons, did not do so. The reported details surrounding these incidents have been taken from official police records that are filed at the B.C. Police Commission. All of these incidents occurred during the period from January 01, 1989 through to January 01, 1995.

Five of the municipal bravery cases reviewed reflect characteristics that are consistent with that of victim-precipitated homicide. These cases represent examples of individuals who overtly confronted armed municipal police officers in an apparent attempt to escalate a situation that they had placed themselves in. A brief outline of these five specific cases are provided within this Appendix.

Case One

In June of 1990, a lone police officer attended a convenience store following a report of a male throwing bottles of pop through the window of the store. As the officer arrived at the premise he was told by a crowd that the suspect was armed with a rifle, had smashed food jars within the store and was threatening patrons. The police officer was further told, “You’d better get in there; he’s killing them.”

Inside the store, the officer heard an individual yelling and screaming obscenities, including “I’ll kill you.” As a result, the lone officer cautiously entered the store with his gun drawn. As the officer came into view, the obviously distraught and frenzied suspect pointed his rifle directly at the officer. Upon seeing the actions of the suspect, the police officer was fully prepared to discharge his firearm when he realized that the breach in the suspect’s rifle was
open and that the bolt was back. It appeared that the suspect could not immediately discharge his weapon.

Although the rifle bolt was back, the officer still could not tell whether or not there was a live round in the barrel or breach of the rifle. This would mean that if the suspect was to suddenly close the bolt of the rifle he would have the ability to fire the rifle at the officer. As a result, the police officer continued to point his firearm at the suspect, ordering the individual to drop his rifle.

The suspect replied "Go ahead and shoot me! Go ahead and shoot me!" Profanities were added and the suspect began tapping his chest stating, "Go ahead, shoot me right here." As these statements were being made, the police officer cautiously advanced to within approximately 12 to 15 feet from the suspect. The officer now clearly saw that the rifle was not loaded. The officer then calmly told the suspect to put the rifle down on the ground.

In response, the suspect placed the barrel of the rifle in his mouth and made sounds imitating that he was shooting himself. The suspect then picked up a bottle of prepared food, from the nearby store shelf, and poured the contents over his face, chest and into his mouth. The suspect then put the rifle on the ground. By this time, a second police officer had arrived at the scene. Together the two police officers arrested the 16 year-old youth without further incident.

Upon being arrested, it was apparent that the suspect had been drinking. In being questioned by the police it was noted that he was very depressed and despondent stating, "I just wanted the police to kill me." During later questioning when sober, the youth stated that in the past he had frequently thought of smashing up a store to get police attention. The suspect added that once the police would arrive he would point a gun at them so they would shoot him. On several occasions, he had thought seriously about committing suicide in this fashion.

On this particular date, it was learned that the incident started with an argument between the youth and his mother. The suspect lost his temper during the argument and grabbed a .22 rifle as he left the residence. He then purchased a large "cooler" of alcohol beverage and
immediately drank half of the contents. Upon feeling the effects of the alcohol, the drunk and disoriented individual went into a rampage at the local convenience store. Asked as to why he taken this course of action after arguing with his mother, the youth stated, "to attract the police and commit suicide."

**Case Two**

In October 1992, during the early morning, a lone officer responded to a call to find a distraught female in a garage. The female was crouched beside a car, holding a large butcher knife to her wrist. The individual's left wrist was obviously bleeding from a deep wound. The attending officer kept a safe distance and began talking with the woman until another officer arrived. As the second attending officer arrived, the woman's attention focused upon him. While she was momentarily distracted, the first officer attempted to get closer to her. Upon seeing the first officer approaching, the women cut herself deeper and told the officer to stay where he was. The women then stood up and aggressively advanced, with the knife in her hand, towards the second officer. As a precaution to the threat, the second police officer drew his service revolver.

The distraught woman continued to advance towards the second police officer stating, "Kill me; shoot me". As this was occurring, the first officer managed to manoeuvre to a tactical position where he was able to grasp the woman's right forearm and disarm her. Together, the two officers managed to arrest the distraught female without further injury to her. She was then transported to the hospital for her self-inflicted wounds and for a mental health assessment.

**Case Three**

In the late afternoon during February 1993, two municipal police officers attended to a request to assist Emergency Health Services on a "family trouble call". When they arrived, they were met by a woman who stated that her boyfriend was in his room and that she was afraid he was going to hurt himself.
The two police officers, accompanied by Emergency Health Services personnel, went to the room and were met by a man armed with a butcher knife and meat cleaver. The individual was extremely distraught, stating that he was going to kill himself. The two officers drew their sidearms and attempted to get the man to drop his weapons. Unfortunately, this had the effect of redirecting the suspect's hostility towards the two officers. It appeared that the suspect had the intention of getting the police officers to kill him. The officers held their fire and the man escaped to the street below by using the fire escape. The two officers followed him and other police members were summoned to evacuate the street.

Upon being located by the police, the distraught man once again refused to drop his weapons. He continued moving down the street, making threatening movements with his meat cleaver and butcher knife towards the police. The police officers had their weapons drawn and aimed at the distraught individual in the event that he threatened their lives or the lives of others. Fortunately, the officers in attendance were able to protect bystanders and contain the situation with dialogue. The Emergency Response Team was summoned and deployed. The individual was later sprayed with oleoresin capsicum (pepper spray) and arrested without any further harm.

**Case Four**

In November 1992, two municipal police officers responded to a 9-1-1 call requesting assistance in removing the complainant's daughter's ex-boyfriend from an apartment. No weapons were reported and the situation did not sound urgent. Upon arrival, the two officers listened outside the complainant's apartment in an attempt to assess the domestic situation before entering. All was quiet.

Suddenly, screaming and banging was heard from within the apartment, including a man yelling, "He's got a knife." The two attending police officers responded to these sounds by immediately kicking in the apartment door and gaining entry. Once inside the apartment, the officers heard a disturbance in the bathroom area. Upon entering the bathroom, they found four people, one of whom was dead. A second individual was holding a large 12" bladed butcher
knife with blood all over his hands. It appeared that this individual had just killed someone and was about to kill another.

Responding to the altercation, one of the officers unstrapped his holster, allowing his firearm to be drawn quickly. The suspected murderer would not let go of his bloodied knife. Both officers jumped on the suspect and attempted to wrestle the knife out of his hands (in the small bathroom). While the police were wrestling with the individual he stated, “Shoot me; please shoot me!” (several times), refusing to drop the knife. Eventually the two officers managed to subdue the individual and seize the knife without discharging their weapons.

It was subsequently learned that the suspect was in fact the ex-boyfriend of the deceased. He had just killed his former girlfriend in the bathroom when family members and the police intervened. After the emotion-charged incident was concluded, the police arrested and charged the 30-year-old male for murder. The investigation revealed that the accused had entered the apartment with the pretense of visiting his ex-girlfriend. (She was living in the apartment with her mother and her new boyfriend had stopped by to visit.)

Upon entering the apartment, the accused asked to speak to his ex-girlfriend alone in the bedroom. This was when the mother summoned the police as she felt something was wrong. As the police arrived, the accused produced a butcher knife, stabbing his ex-girlfriend six times. The accused later told the police, “She cheated on me so I stabbed her.” Upon being confronted by police in the bathroom the accused indicated that his actions were of a death wish. He stated, “I'd like to die; I wish I were dead with her.”

It is interesting to note that this incident never went to trial. Upon leaving the apartment, the accused was held in custody and later charged with murder. A trial date was set and the accused was released on bail, pending the court date. Two months after his release, the accused was found dead. He had committed suicide by carbon monoxide poisoning.
Case Five

In November 1992, while responding to a report of a suicidal male, two police officers were met by a knife-wielding man threatening to kill himself, as well as any police officer or ambulance attendant who came near him. The 26-year-old male was drunk and depressed, stating that he would kill himself, adding "I am going to take a cop out so he'll shoot me back!" Eventually two friends of the individual calmed him down so that emergency paramedic officials could attend to him. This situation was short-lived.

As the suspect was exiting the residence and walking to the ambulance, he observed police officers nearby. Upon seeing the police, he once again became agitated; however, he now suddenly produced a steak knife from inside his jacket. The suspect began to wave the knife at the police yelling, "Come and get me. come on . . . shoot me now. Here's your chance! Come on, do it now." The suspect then took off his slippers and ran down the street in his bare feet, still in possession of the knife.

The police officers responded by running after the individual who eventually disappeared into the dark of the houses. A third police officer joined in the search, using his car while the remaining two police officers attempted to locate the individual on foot. Suddenly, the suspect appeared and confronted a lone officer, once again producing the knife and waving it at the officer. The suspect began yelling at the officer, "Go ahead, shoot me. Do it". In response, the officer produced his baton with his pepper spray at the ready. Upon seeing this, the suspect turned and once again ran down the street.

The police officer in the marked vehicle saw the individual being chased down the street by the lone officer. In response, this officer positioned his vehicle to block off the escape route of the suspect. Upon seeing this, the foot-pursuing officer caught up to the suspect and pushed him into the police vehicle, causing him to drop his knife. After a brief struggle at the side of the police vehicle, the suspect was arrested under the Mental Health Act. The incident was resolved without injuries to the suspect.
APPENDIX I

R.C.M.P. -
Verdict-At-Coroner’s-Inquest
Royal Canadian Mounted Police

Verdict-At-Coronor's-Inquest

A sampling of 12 fatal shooting incidents by members of the Royal Canadian Mounted Police within the province of British Columbia was provided by way of the B.C. Coroner's office. These files focus upon the period from January 01, 1989 through to January 01, 1995. The data provided revealed that, during this six-year period, a total of 12 separate R.C.M.P. fatal shootings occurred within the province of British Columbia. In one particular incident, two individuals were killed by one R.C.M.P. member thus accounting for a total of 13 fatal shootings deaths during this time period. Seven of these cases document characteristics that are consistent with those of a victim-precipitated homicide. A brief outline of these seven specific cases are provided within this Appendix.

Case Number One

During August 1989, three males entered into an agreement to rob a cab driver, in a northern interior town of British Columbia. The three young men entered a cab and instructed the driver to proceed to a specific location. While en route, one individual produced a butcher knife and held it to the throat of the cab driver demanding money. The cab driver did not co-operate with his attackers and a struggle ensued with the cab driver receiving a severe laceration to his hand. The driver grabbed his radio and the police were summoned for help.

Two of the robbers, realizing that the robbery was not going as planned, opened the doors and left the moving taxi. The knife-wielding individual also decided to leave the moving cab but was unable to take his sports bag with him. The bag had become tangled in the door of the vehicle and the accused could not pull it free as he left the moving cab.

When the police arrived at the scene a few minutes later, they were able to ascertain a current address from the suspect's sports bag. As a result, the police officers attended the residence where the suspect had fled. Upon seeing the police, the suspect remained at the top of the stairs of
his residence, refusing to speak to the officers at the open doorway. Moments later, the suspect reached into his jacket and produced the butcher knife, holding it in a threatening manner. The suspect stated that he was not going back to jail and that the police would have to shoot him first. The police responded by drawing their firearms. The officers then made several requests for the suspect to drop his knife; however, he would not.

Moments later, while holding the knife in a threatening manner, the suspect lunged and jumped from the top of the stairs to the front entrance where the police were standing. Both police officers, fearing for their lives, fired their weapons at the attacking suspect. The individual was hit by the bullets and subsequently died.

During the Coroner's Inquest, an older brother of the deceased suspect provided an overview of the individual's life. The suspect was described as a violent, aggressive and unpredictable young man. The suspect's past behaviour had, on occasion, frightened the older brother for his own safety. The older brother had also noted that the suspect had attempted suicide in the past. Prior to his death, the suspect seemed to be preoccupied with death and thoughts of dying. In the older brother's opinion, which was shared by other family members, the suspect had in this instance intentionally used the police as a method to bring about his own death.

**Case Number Two**

During December 1989, a female was discharged from the women's unit of a B.C. provincial jail. She returned to her former home, in the interior of B.C., where she later went drinking with some old friends. Upon consuming five or six bottles of beer, the subject's behaviour noticeably changed. She stated that she was going to borrow some money and left for a friend's residence.

Although her friend was not at home, the individual entered his residence and removed a .22 calibre rifle that was mounted with a short scope. The rifle had the appearance of being a high powered hunting unit. The female then entered a nearby store, threatening two female staff members with their death, as she proceeded to rob them. She then took the staff members hostage and herded them across the parking lot to an adjacent restaurant.
The police were summoned to the restaurant in response to the robbery/hostage taking incident. Upon arrival, the attending officer realized that he personally knew the suspect female and that she knew him. However, upon seeing the known police officer, the female raised her rifle and turned to point it directly at him. The officer felt that he had no choice but to discharge his firearm and shot the female in order to preserve his own life. The female subsequently died at the scene, just three days after being released from prison. Although her rifle was not loaded, the female had given every indication that it was loaded and that she intended to use it in a deadly manner.

It was later learned that the female in question displayed self-destructive behaviour which was intensified when she drank alcohol or abused street drugs. A Coroner's Inquest was conducted into the police shooting. As a result of the Inquest, the Coroner concluded:

"It is believed she intended to end her life by compelling the police to 'take her out in a blaze of glory'. She had observed such an ending in a movie which she saw while in Oakalla prison, and again on video-tape in her foster home, two nights before her death."

Case Number Three

During July 1990, a 45-year-old woman entered a Sky train station in the lower mainland area brandishing a long knife. The middle-aged woman appeared anxious and, upon being approached by a passer-by, stated "I'll use it . . . just keep going or I'll use it." The concerned individual summoned the police stating that he was just threatened by a woman with a butcher knife. Although the location was within an area policed by a municipal agency, an R.C.M.P. officer working with a B.C. Transit Security officer, attended in response to the complaint. Upon locating the woman in the Sky train station, the R.C.M.P. officer stated, "Police department - drop the knife." At this time, the woman was holding the serrated knife in a two-handed grasp with the tip of the blade facing outward. Responding to the police officer's commands, the women screamed "I'm going to get you" and immediately lunged toward at the officer, raising the knife above her head. The officer attempted to distance himself by walking backwards and unholstering his .38 calibre service revolver.
Unfortunately, the officer lost his balance and fell down on the floor. The suspect continued to advance towards the fallen officer who had now placed his revolver at waist level. While on his back and the female suspect virtually on top of him with her knife, the officer fired two rounds directly at the woman. Upon being hit by the bullets, the women collapsed beside the officer and died within a couple of hours. It is interesting to note that the elapsed time from the police officer's arrival at the scene until the two shots were fired was 46 seconds.

It was later learned that the suspect was a diagnosed schizophrenic since the age of 16 years and was on prescribed medication. During April 1990, she had taken an overdose of her medication resulting in her behaviour becoming very violent and suicidal. On this occasion, the local police had been requested to assist ambulance personnel in restraining her as she had threatened them with a knife. Some three months later, she would be shot and killed, once again as a consequence of her very violent behaviour. However, a toxicology analysis conducted by the coroner revealed that her body was completely negative of anti-psychotics suggesting that she had withdrawn from her medication.

Case Number Four

During February 1991, R.C.M.P. officers were summoned to a residence in a northern village in B.C. An individual, under the influence of alcohol, had attempted to gain access to a house where his common-law wife and their three children were living with her parents. His access to the residence had been refused as he had an alcohol problem and was drinking on the night in question. Upon being refused entry, the individual responded by leaving his in-law's residence. He then went to a nearby unoccupied residence and forcefully gained entry. Once inside the residence, the individual located a rifle and ammunition. He then used the telephone inside the empty house to call his mother, advising her that he was going to commit suicide. A series of phone calls were made and, in one instance, the individual stated that he wanted a "shoot out" with the police.

The individual then left the residence and began walking through the village with his loaded rifle. The police arrived and attempted to located the drunken and distraught male. Upon finally
locating him, the police ordered the subject to drop his weapon. The individual responded to the police commands by raising his rifle. A police officer observing the actions of the individual felt that he was about to shoot and that the officer's lives were in danger. As a result, the police discharged their weapons, killing the individual.

Case Number Five

During April 1991, two R.C.M.P. officers, in a suburb of Vancouver, were summoned to a domestic dispute involving a twenty-year-old male who had threatened to kill his mother. The parents had arrived home to find their son under the influence of gasoline. (Since the age of 11, the youth had been a chronic substance abuser, i.e. gasoline sniffing.) On the night in question, the subject was once again under the influence of gasoline and had become argumentative and agitated. During the course of the argument with his parents, the youth produced a sawed-off .22 calibre rifle and threatened to kill his mother.

Upon police arrival, the youth had left the residence and was believed to be walking along the road. With the assistance of a police dog, the youth was soon located on the roof of a nearby shed. Upon seeing the police officer the youth stood up on the roof and pointed his rifle directly at the officer. He then moved to another location on the roof and pointed his weapon towards other officers. He then threatened to kill the officers, stating "Shoot me, but I'm going to kill one of you first and then you will have to shoot me." He then threatened to commit suicide. The police officers responded by ordering the youth to give up his weapon. The youth would not comply and continued to shout death threats at the police.

A four hour stand-off then resulted with the police attempting to negotiate a safe conclusion to the incident. These efforts failed with the youth breaking the police containment and fleeing to yet another building. Upon locating the youth, the sequence of events occurred rapidly. The youth exposed himself with his weapon and pointed it at the officers again. Two officers, feeling that their lives were in immediate danger, discharged their weapons. The youth received extensive injuries and subsequently died hours later in hospital. During the inquest, the youth's mother testified that she felt
her son was suicidal. However, she added that, although he was suicidal, he was also a coward. It was also learned that, in the past, when the youth had sniffed gasoline, he became moody and violent.

**Case Number Six**

During October 1992, three armed masked males entered a "Collectibles shop" in a suburb of Vancouver. The suspects proceeded to rob the owner, but police were alerted to the in-progress situation. Members of the local R.C.M.P. detachment responded and, shortly thereafter, a vehicle pursuit began. During the vehicle chase, one of the suspected individuals was observed to lean out of his vehicle and shoot at the pursuing police. This is when one of the officers made the decision that someone was going to get seriously hurt from either the offending vehicle's dangerous driving or the bullets being discharged from the suspect's gun. As a result, the police officer decided to ram his police vehicle into the offending vehicle, in order to end the pursuit.

As these events unfolded, the various vehicles came to a crashing stop with all of the suspects fleeing on foot. Two of the fleeing individuals were later caught. However, the third suspect, who had been discharging his firearm at the pursuing police vehicle, had now fled to a local pub. Once inside the patron-filled pub, the fleeing individual was immediately confronted by a uniformed R.C.M.P. member who ordered the suspect to drop his gun. The suspect responded by initially pointing his gun at the police officer and then he began waving it around. As the stand-off continued, the suspect approached the bar and picked-up a glass of beer in his left hand and had a drink. The R.C.M.P. officer, with his hand gun drawn and pointed at the suspect, continued to order the individual to drop his weapon. The suspect did not comply but now indicated that he had taken two hostages whom he had ordered at gun point to remain seated at the bar.

A second police officer, to the rear of the suspect, felt that the situation was deteriorating and that either the first attending officer or the hostages were about to be killed. As a result, the second officer ordered the suspect to drop his gun. The suspect responded by turning and pointing his firearm at the second officer. Upon seeing the suspect's weapon levelled at him, the police officer fired two shots from a distance of approximately ten feet away. Two additional shots were fired when the
suspect continued to raise his weapon and level it towards the police officers. In total, four shots were fired by one police officer. The suspect received fatal wounds and died shortly after being shot. An examination of the suspect's weapon revealed it to be a 9 millimetre Luger with one bullet in the breach and four in the clip.

The actions of the suspect, in waving his gun around and in having a drink of beer during a stand-off situation with armed police, are not consistent with that of a desperate and fleeing criminal. In fact, it is interesting to note that this same individual had just two years previously been involved in a shooting incident with a neighbouring municipal police department. See Municipal Police In British Columbia - Incidents of Potential Deadly Force - Case Number Two.

During the previous incident, this same suspect had levelled a loaded handgun at the pursuing police officers and was subsequently shot and wounded by the police. Although loaded and operable, the individual did not use his weapon but only pointed it at the police. However, upon realizing that he was wounded, the suspect stated to the attending police officers "Shoot me, shoot me, . . . finish me off". The attending officers were shocked by the suspect's statements and immediately rushed him to hospital. The individual recovered from his gun shot wounds and was later sentenced to a brief incarceration period. Interestingly, the statements and behaviour exhibited by the suspect create the distinct possibility that he may have wanted to die and that his selected actions were that of victim-precipitated homicide.

Two years later, this same individual has once again placed himself in a confrontation with police. During a stand-off situation he refused to comply with repeated requests to drop his weapon. Once again he did not use the weapon but continued to brandish it about, pointing his gun directly at the police. However, in this second incident, the individual escalated the incident by implying that he had hostages and levelling his loaded weapon at the police. It was only after an accumulation of these threats and taunting actions that the police officers felt that they have no other option but to use deadly force.
Case Number Seven

In August 1994, four members of a Vancouver Island R.C.M.P. detachment were summoned to a stabbing that had just occurred. The suspect of the stabbing had displayed bizarre behaviour that included being naked, lighting of a number of small fires, and the throwing of a hammer at yet another individual. Upon police attendance, a police service dog was deployed in attempt to locate the suspect who was believed to be still in the area.

Within ten minutes, the police dog had located a track that entered into thick bush. As the dog disappeared into the bush it was suddenly heard to “yelp”. The R.C.M.P. dog handler retrieved his dog from the dense bush to find that his animal had been stabbed. As a result, the four attending officers maintained a perimeter around the now located suspect in an attempt to contain him while negotiations went on. The police officers were all in uniform and repeatedly, during a period of ten minutes, made verbal efforts to convince the suspect to give himself up. In response, the suspect threw a knife at one of the officers as well as sticks and branches at the other three officers.

One of the R.C.M.P. officers deployed pepper spray, but to no avail. The spray appeared to have no effect on the individual. Suddenly the suspect began to advance through the thick bush towards one of the officers. This particular police officer was backed up against a windfall allowing him no means of retreat and no escape route. The officer was forced to confront the individual as he advanced brandishing yet another knife in his hand. When the advancing individual was six feet away, the officer fired one round from his firearm and killed the suspect.

It was later learned that the suspect had, during the last two years of his life, displayed bouts of strange behaviour including threats of suicide, delusions and paranoia. He had suffered from some unknown form of mental illness and had been committed under the Mental Health Act on July 14, 1994. He was discharged a few days later. Within two weeks he would be dead as a result of a police shooting.
APPENDIX J

R.C.M.P. - Police Honours Night
“Bravery”
Royal Canadian Mounted Police

Police Honours Night - Bravery

The bravery category, contained within B.C. Police Commission's "Police Honours Night" data, documents those instances where members of municipal police departments and the R.C.M.P. placed themselves at substantial risk of death or serious injury during a particular incident. In the vast majority of these cases, the police officers were legally justified in using potential or deadly force but for a variety of reasons, did not do so. It should be noted that the individual R.C.M.P. officers involved in these cases were not spoken to, nor were the R.C.M.P. investigation files examined. However, the reported details surrounding these incidents have been taken from official R.C.M.P. records that are filed at the B.C. Police Commission. All of these incidents occurred during the period from January 01, 1989 through to January 01, 1995.

Six of the R.C.M.P. bravery cases reviewed reflect characteristics of victim-precipitated homicide. These cases represent examples of individuals, who overtly confronted armed R.C.M.P. officers, in an apparent attempt to escalate a situation that they had placed themselves in. A brief outline of these six specific cases are provided within this Appendix.

Case Number One

In January 1989, R.C.M.P. officers were dispatched to a suburb of Vancouver in response to a domestic dispute. The scene upon arrival displayed the signs of a recent and violent encounter. From within the residence, the officers were challenged by an angry male who began yelling and screaming. As the police officers began to approach the individual, the male suspect escalated his threats by pointing a shotgun at the officers. In response, the officers immediately distanced themselves, taking up a position of cover. The male suspect continued to threaten the police with his weapon; however, the suspect had now placed the shotgun in his mouth and challenged the police to kill him. The suspect then pumped the action of the shotgun to prove to the officers that the weapon was loaded. A later attempt to apprehend the suspect was made without success. The suspect
responded by grabbing his weapon and discharging it at the police, missing their position of cover by
ten feet. The stand-off continued for an hour and a half until, through negotiation, the incident was
resolved without injury when the suspect surrendered.

Case Number Two

In January 1989, R.C.M.P. officers in a Vancouver Island community responded to a report of
an individual pointing a rifle. Upon attending the suspect's residence, one officer was able to see the
suspect in his bedroom, crouched close to the floor and holding a high-powered rifle. The attending
officers began to negotiate with the suspect in an attempt to have him surrender his weapon. In
response, the suspect stated that he intended to end his own life and that he would harm any police
officer who might attempt to stop him. The attending police officers withdrew until an Emergency
Response Unit could be summoned and deployed. Subsequent lengthy negotiations resulted in the
suspect surrendering without further incident.

Case Number Three

In August 1989, an R.C.M.P. officer of a Vancouver suburb responded to a call of a drunken
youth who was threatening his family with a knife. Upon police arrival, the 15-year-old male was seen
leaning out of a broken bedroom window, waving a bayonet with his bloody hand. Inside the
residence, the youth confronted the officer, waving a bayonet in one hand and a buck knife in the
other. In response, the police officer retreated from the youth out onto the driveway of the residence.
The youth followed the officer, uttering threats and brandishing his knife towards the officer. The
officer continued to back-up onto the street, where the youth continued to follow and taunt the officer.
At one point, the suspect broke into a jog, forcing the officer to run in order to maintain a safe distance.
Eventually, other police officers arrived on the scene and the youth was overpowered without further
incident.
Case Number Four

During January 1991, an R.C.M.P. officer in the Fraser valley responded to an incident involving a man threatening suicide with a gun. Upon police arrival, the officer noted a distraught man pointing a shotgun under his chin stating that he was going to kill himself. The police officer attempted to negotiate with the individual in an attempt to have him drop his weapon. The man refused and then began advancing towards the officer. The advancement by the individual was an apparent attempt to force the situation. When the suspect was approximately four feet away, the officer tackled the individual and grabbed his weapon. The subject's shotgun discharged during the scuffle but no one was injured. A suicide note was found in the residence.

Case Number Five

In July 1991, an R.C.M.P. officer on patrol in the Fraser Valley, noted a vehicle that was suspected in a shooting that had just occurred. As a result, the officer activated the emergency equipment of his vehicle and pulled over the suspect vehicle. The officer then ordered the occupant of the suspect vehicle to exit his car. The driver refused stating that the police would have to kill him first. After a few moments, the suspect got out of his vehicle, producing a gun in his hand, yelling emphatically for the officer to kill him. The police officer did not respond with deadly force to the threats. Instead, he maintained a safe position until other police officers arrived. The officers then negotiated with the individual in an attempt to have him surrender. After an hour of negotiation, the suspect placed his loaded handgun on the trunk of his car and gave himself up.

Case Number Six

During November 1991, two R.C.M.P. officers stationed in the interior of B.C., responded to a report of a man with a pistol threatening to commit suicide. Upon locating the suspect, one officer attempted to talk to the distraught individual while the other officer remained out of view. Suddenly, the armed suspect began advancing towards the negotiating officer. The observing officer, sensing
that his partner was in imminent danger, tackled the armed individual from behind. The suicidal individual was arrested without injury or further incident.
APPENDIX K

British Columbia Police Commission
Provincial Standards
PROVINCIAL STANDARDS
FOR MUNICIPAL POLICE DEPARTMENTS
IN BRITISH COLUMBIA

DECEMBER 1995
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INTRODUCTION

The Provincial Standards for Municipal Police Departments in British Columbia is the result of a cooperative venture between the British Columbia Police Commission and the British Columbia Association of Chiefs of Police. The purpose of the Standards is to identify minimum acceptable standards for police, facilitating uniform policing standards among departments in the province, benefiting both the police and the public. Notwithstanding that many standards are covered by legislation, police departments should address issues through written policy to ensure compliance with such legislation.

The Standards are designed to apply to police departments of all sizes. Each Standard requires policy to address the issues presented. However, the manner and degree of detail in the policy is left to the department to determine.

Development

The Standards were derived by reviewing the available literature on police standards, and also by researching topical issues, reports of Royal Commissions, relevant legislation, departmental policy and procedure manuals, and the Standards for Law Enforcement Agencies (Commission on Accreditation for Law Enforcement Agencies, Fairfax, Virginia). There are 430 standards developed and organized into 5 chapters of 38 topics.

Organization

Police Role and Responsibilities. This chapter is foundational to the Standards manual, and begins by requiring a mission statement. Standards in this chapter address the police function, use of force, and cooperation between police departments.

Department Management. This chapter addresses basic organizational principles, and moves into general principles of sound management, such as supervisory direction, personnel planning, and fiscal responsibility. Additionally, planning, research, and crime analysis, essential to an efficient and effective police organization, are addressed.

Personnel Management. Standards in this chapter are intended to facilitate the effective deployment of personnel. Selection standards provide direction to ensure that departments employ only the best candidates. Although details regarding personnel selection may differ, basic principles provide for an efficient and fair process. Notwithstanding that the provincial Police Academy provides training for police recruits and experienced personnel, each department should have training goals that are consistent with its public mandate. Promotional procedures and employee evaluations are addressed to ensure that they are valid and fair. For example, employee evaluations are essential to effective management because they facilitate decisions with respect to rewards, promotions, remedial measures, and transfers.
General and Specialized Operations. This chapter addresses operation functions common to all police departments. Important procedural issues, such as processing evidence, arresting young persons, transporting prisoners, and planning police response to disasters and civil disturbances are covered. The standards provide administrative and operational direction, leaving discretion to individual departments in determining the degree of specialization necessary to accomplish essential functions.

Support Services. Minimum standards for detention facilities are necessary to ensure the safety and protection of police, public, and prisoners. Standards for efficient communications and records functions are essential to the effective delivery of police services. Finally, standards require accountability with respect to the acquisition, storage, and disposition of property held or owned by the department.

Applicability

Each standard consists of two parts: the standard itself (in bold print), which is mandatory; and supplementary notes (in italics), which serve to clarify the standards and often suggest means of compliance. The standards require written policy, an activity, or a report. Having placed clearly stated responsibilities on police departments, they will be used as minimum criteria against which departments will be audited by the British Columbia Police Commission. As a result, the audit process will evolve into a procedure which has reliability, validity, and utility - reliability in that the procedure will be standardized and uniformly applied, validity in that the procedure will be relevant to the police function, and utility in that the procedure will be constructive and beneficial to the police organization, its employees, and the community in which it serves.

Review

The Standards will be reviewed biennial to ensure that they are relevant and meet current needs of the police and the public. This review will be conducted by a committee appointed by the British Columbia Police Commission in consultation with the British Columbia Association of Chiefs of Police. As part of the review process, the committee will consider relevant legislation, court decisions, reports of Royal Commissions, submissions by Chiefs of Police collectively or individually, and any other appropriate documentation.
A1

POLICE ROLE AND RESPONSIBILITIES

A1.1 POLICE ROLE

A1.1.1 Written policy requires the formulation, annual review, and updating if necessary, of the department's mission statement, which is made available to all personnel.

Notes: The intent of this standard is to ensure that all personnel are aware of the direction of the department, and to enable personnel to develop goals, objectives, strategies, and tactics, which are consistent with the mission statement.

A1.1.2 In support of the mission statement written policy requires the formulation and annual review of written goals and objectives for each component and function.

Notes: Establishing and routinely updating the goals and objectives of each component and function helps to ensure direction and unity of purpose and serves as a basis for measuring progress. The goals and objectives should be made available to all personnel within the component and function. The Police Act requires the police board, in conjunction with the chief constable, to determine priorities, goals and objectives of the municipal police department.

A1.1.3 Written policy designates identifiable positions within the department that are responsible for each component and function.

Notes: The intent of this standard is to place authority, responsibility and accountability for each component and function. The standard may be met by publishing and making available a current organization chart.

A1.1.4 Written policy establishes procedures for obtaining input from all personnel levels within the department in the development of department goals and objectives.

Notes: Obtaining the input of personnel has great value in improving the relevancy and coverage of goals and objectives; further, it enables employees to contribute to the management and operation of the department.

A1.1.5 Written policy requires an annual written report by each organizational component and function, submitted to the chief constable, stating the progress made toward the attainment of goals and objectives.
Notes: The intent of this standard is to ensure that the chief constable is informed, on a regular basis, of the progress toward achieving established goals and objectives.

A1.1.6 Written policy describes the department's conflict of interest guidelines.

Notes: The intent of this standard is to require each department to address this issue. If it is covered by a collective agreement, the standard is met.

A1.2 USE OF FORCE

A1.2.1 Written policy recognizes that the authority for the use of force is found in the Criminal Code.

Notes: These standards are not intended to abrogate the authority of the Criminal Code.

A1.2.2 Written policy governs the discharge of warning shots.

Notes: Warning shots may pose a danger to officers and citizens. The Police Act allows for warning shots in order to gain control of a situation in which the police officer reasonably believes may result, if allowed to continue, in death or serious bodily harm to any person and there is no reasonably foreseeable likelihood of injury or death to an innocent person resulting from the warning shot. It may be appropriate for department policy to be more restrictive than the Police Act.

A1.2.3 Written policy governs the storage and carrying of firearms, ammunition, and other weapons while off duty.

Notes: The policy should specify the circumstances under which an officer may carry or store a firearm, ammunition, and other weapons while off duty. Police officers are required to follow the storage and handling regulations at home unless they have written instructions from their supervisor to do otherwise.

A1.2.4 Written policy governs the use and control of weapons and ammunition issued by the department.

Notes: In addition to firearms, officers usually have other weapons at their disposal. The intent of this standard is to ensure proper use and control of such weapons.

A1.2.5 Written policy establishes the procedures for firearms and weapons inspections, and the replacement of ammunition.
Notes: The intent of this standard is to ensure compliance with provincial legislation, which requires an inspection of each department's firearms every two years.

A1.2.6
Written policy requires that only officers trained and demonstrating proficiency in the use of department authorized firearms or weapons be allowed to carry and use such firearms or weapons.

Notes: The intent of this standard is to cover the carrying and use of any firearm, including shotguns, automatic rifles, handguns, or tear gas guns; and other weapons, such as batons and aerosol sprayer.

A1.2.7
Written policy requires each officer to qualify at least annually with any firearm or other weapon that the officer is authorized to use.

Notes: The policy should describe the qualifications required.

A1.2.8
Written policy requires that only firearms, ammunition, and other weapons authorized by the Chief Constable be used in the performance of duty.

Notes: Police Act Firearm Regulations govern such specifications in relation to firearms.

A1.2.9
Written policy requires a written report be submitted whenever an officer, or other employee:

- takes an action that results in (or is alleged to have resulted in) injury or death of another person, including the officer or any other officer;
- applies force through the use of a weapon;
- discharges a firearm, other than in training; and/or
- applies force by any means, other than routine handcuffing or low levels of restraint.

Notes: The intent of this standard is to ensure accountability regarding the use of force, the use of a weapon, and/or the discharge of a firearm. The documentation of all instances of the use of force will provide statistics concerning the routine application of force where no injury or complaint occurs. Such information should be used for analyzing training needs, identifying appropriate tactics, and will provide a means of placing incidents where injuries occur into their proper perspective. This standard includes detention facility personnel.

A1.2.10
Written policy includes procedures for reviewing incidents in which an officer applies force by means of a weapon or firearm, lateral neck restraint, or the application of force, by any means, other than routine handcuffing or low levels of restraint and compliance.

Notes: The review process may vary in accordance with the nature of the force applied, and the outcome.
A1.2.11 Written policy establishes criteria concerning the assignment of an officer whose use of force results in a death or grievous bodily harm.

Notes: The intent of the standard is to (1) provide appropriate psychological and emotional support for the officer; and (2) protect the officer from possible retaliation from the criminal element.

A1.2.12 Written policy requires that only officers trained and demonstrating proficiency in applying the lateral neck restraint are authorized to apply this technique.

Notes: The intent of the standard is to ensure the proper use of this technique.

A1.2.13 Written policy requires each officer authorized to apply the lateral neck restraint, to qualify at least annually in applying this technique.

Notes: The intent of the standard is to ensure that skill levels are maintained and officers are able to justify their use of this technique.
APPENDIX L

British Columbia Police Commission
Model Policy And Procedures Manual
British Columbia Police Commission

A Model Policy And Procedures Manual
For Municipal Police Departments
In British Columbia

Ministry of Attorney General
Provincial Standards for Municipal Police Departments in British Columbia

The British Columbia Policing Standards identify the minimum acceptable standards for police. The standards require written policy, an activity or a report. Having placed clearly stated responsibilities on police departments, they are used as a minimum criteria against which departments are audited by the British Columbia Police Commission. These policy and procedures manuals address each of the provincial standards. The appendices at the back of the Administration manual provide a cross reference between these manuals and the standards.

Statement of Philosophy

Although the role of the police in a democracy is a subject constantly debated, a defined theoretical position is essential in order to guide the daily, operational issues facing police departments. Consequently, the guiding philosophy for this document is stated in the following declaration of principles:

- Although legislation and the common law define the authority of the police, the ability of the police to perform their duties is greatly dependent upon public approval, support and willing co-operation.

- The police must strive to maintain a relationship with the public that enhances and reinforces the historic tradition that the police are the public and that the public are the police, police officers being only members of the public who are specially authorized to perform policing duties on behalf of all members of the public. A police-community partnership is essential to deal with crime and related problems.

- The police must seek and preserve public favor, not by catering to public opinion, but by exercising impartial service to the law and by providing their services to all members of the public without regard to race, national or ethnic origin, colour, religion, sex, belief or social standing.

- The general aims of the police include keeping the peace, maintaining order, enforcing the law and providing emergency services. The general goals of the police can be summarized as follows:
  * protecting the fundamental rights and freedoms of all persons as guaranteed in the Charter of Rights and Freedoms
  * investigating unlawful activity in order to identify and process offenders according to law.
* investigating injuries and deaths and other matters of community concern.

* preventing and controlling activity recognized as a threat to life or property.

* aiding anyone who is in danger of physical harm due to criminal behavior or anyone who is in immediate need of physical care.

* attempting to resolve conflict between persons or groups where a breach of the peace or other similar unlawful activity is likely or threatens to occur.

* facilitating the movement of people and vehicular traffic.

* assisting victims and enhancing their role in the criminal justice process, and

* fostering a general sense of community peace and security.
1.0 POLICY

Authorized Firearms Issue Only

1.1 Only firearms and ammunition authorized by the chief constable will be used by police officers in the performance of their duties.

Drawing of Firearms

1.2 Police officers will not draw their firearms unless they believe:

- it may be necessary for the protection of the officer's life or the life of another person, or
- it is necessary for the apprehension or detention of a person believed to be dangerous.

Discharge of Firearms

1.3 A police officer will not discharge a firearm in the performance of duty unless the officer has reasonable grounds for believing it is necessary for the purpose of:

Defending Life
- defending the life of the officer or the life of another,
Effecting the Apprehension of a Dangerous Person

- effecting apprehension when:
  - a suspect poses a threat of serious harm or death, and
  - the suspect flees in order to escape arrest and no other less violent means exist to prevent escape,

Warning

- warning a person in order to gain control of a situation that the officer reasonably believes may result, if allowed to continue, in death or serious bodily harm to any person and there is no reasonably foreseeable likelihood of injury or death to an innocent person resulting from the warning shot,

Alarm

- giving an alarm or calling for assistance, for an important purpose, where no other means can be used,

Dangerous or Injured Animal

- destroying a potentially dangerous animal, or one that is so badly injured that humanity requires its release from further suffering.

1.4 Before discharging a firearm, a police officer must be satisfied that lesser means and assistance are not readily available or would not gain control over a dangerous situation.

1.5 The firing or discharge of a warning shot from a mobile police vehicle will not be permitted.

Training and Proficiency

1.6 Only police officers trained and demonstrating proficiency in the use of department authorized firearms will be allowed to carry and use issued firearms.

1.7 Each police officer will be required to qualify at least annually with any firearm that the police officer is authorized to use.
Off Duty

1.8 Police officers will carry their issued firearms only when on assigned duty and will not do so at any other time, except as otherwise authorized by the chief constable.

Storage of Firearm

1.9 A firearm, not being carried at the workplace, must be securely stored to prevent the firearm from being accessible to any other person who might use it to injure themselves or others.

1.10 All police officers will comply with the storage, display, handling and transportation provisions of firearms regulations.

Report of Discharge of Firearm

1.11 Where a police officer discharges a firearm under circumstances other than training or maintenance:
- the officer will inform their immediate supervisor,
- complete a report of the incident,
- if required, turn over their firearm, ammunition and used casings to their supervisor, and
- the supervisor will conduct an investigation and submit a report and recommendations to the chief constable.

1.12 Where a police officer kills or injures another person by the discharging of a firearm in the performance of duties:
- the officer involved will immediately surrender the firearm to a supervisor or investigating officer,
- the chief constable will initiate an investigation and submit a report to the chairperson of the police board, and
- the chairperson will review the report and take the appropriate action.

Inspections

1.13 Issue weapons will be inspected on a regular basis, but at a minimum of every two years.
Maintenance

1.14 All department firearms will be maintained in good working order.

1.15 Firearms ammunition will be replaced on a regular basis.

2.0 REASON FOR POLICY

2.1 To provide direction on the authorization, use and control of department issue firearms.

2.2 To ensure accountability regarding the use and discharge of a firearm.

2.3 To comply with C.C.C. and the Police Act (Firearms) Regulations.

3.0 PROCEDURES

To be developed by each department
1.0 POLICY

Use of Force

1.1 Police officers will be governed in the use of force by provisions of the C.C.C.

1.2 Police officers will use only that force which is reasonably necessary to effectively and safely bring an incident under control while protecting the life of the officer or another.

Responsibility

1.3 Police officers will be:
- responsible for their use of force, and
- required to justify the use and level of force used.

Excessive Use of Force

1.4 Police officers will be criminally responsible for any excessive use of force beyond that which is deemed reasonable in the circumstances.

Paramountcy of Criminal Code

1.5 The provisions of the C.C.C., with respect to the use of force by police officers, will prevail over any direction provided by the department.
1.6 Departmental direction or orders will not serve as justification or protection for a police officer in cases where the use of force exceeds the provisions of the C.C.C.

**Authorized Weapons Issue Only**

1.7 Only firearms, ammunition and other weapons authorized by the chief constable will be used by police officers in the performance of their duties.

**Use of Weapons**

1.8 The use and control of weapons will be governed by:
- the legal requirements covering these weapons,
- the provisions of the use of force,
- the policies and procedures of the department,
- the training and proficiency of the officer, and
- the need arising from carrying out the required duties.

**Training and Proficiency**

1.9 Only police officers trained and demonstrating proficiency in the use of department authorized firearms or weapons will be allowed to carry and use issued firearms or weapons.

1.10 Each police officer will be required to qualify at least annually with any firearm or other weapon that the officer is authorized to use.

1.11 Only police officers trained and demonstrating proficiency in applying the lateral neck restraint will be authorized to apply this technique.

1.12 Each police officer will be required to qualify at least annually in applying this technique.

**Off Duty**

1.13 Police officers will carry their issued weapons only when on assigned duty and will not do so at any other time, except as otherwise authorized by the chief constable.
Inspections

1.14 Issue weapons will be inspected on a regular basis, but at a minimum of every two years.

Reporting

1.15 A written report will be submitted whenever a police officer, or other employee:

- takes an action that results in, or is alleged to have resulted in, injury or death of a person,
- applies force through the use of a weapon,
- discharges a firearm, other than in training, and
- applies force by any means, other than routine handcuffing or low levels of restraint and compliance.

Review

1.16 All incidents will be reviewed in which a police officer applies force:

- by means of a weapon, firearm or lateral neck restraint, or
- by any means, other than routine handcuffing or low levels of restraint and compliance.

1.17 The Police Department will review the assignment of a police officer, using established criteria, where use of force results in death or grievous bodily harm.

2.0 REASON FOR POLICY

2.1 The reason for this policy is to:

- provide direction on the use of deadly and non-deadly force by police officers vested with the lawful authority to use that force in the protection of the public welfare,
- establish the limitations of use of force,
- establish the responsibility and accountability of those persons using force,
- promote a consideration of all human interests in the decision to use force,
• to provide direction on the authorization, use and control of department issue firearms and weapons, and

• to ensure accountability regarding the use of force, the use of a weapon and/or the discharge of a firearm.

3.0 PROCEDURES

Incident Evaluation

3.1 An officer should select the appropriate force option that is judged to be the least violent to safely gain control over the subject.

3.2 The following considerations may be a factor in the choice of force options:

Time and Distance

• the amount of time available to an officer within which to make an evaluation and a decision on the force option to be used,

• the physical distance from an incident or a subject will affect the amount of time available to an officer within which to make a decision,

Multiple Subjects

• higher levels of force may be required to quickly disable multiple subjects and maintain control of the situation,

• compliance tools, which provide a distance advantage, are recommended in these circumstances,

Abilities Comparison

• where physical force is required to establish control of a situation, the size, skills and muscular development of the subject should be considered,

• an officer who reasonably believes they possess a physical advantage should generally be able to gain control at a lower level of force than one who does not,
**Demonstrated Threat**

- the police response will be directly influenced by any perceived level of threat presented by a subject,
- a subject can demonstrate their intent to an officer through:
  - weapons,
  - communication, and/or
  - overt action,

**Special Knowledge**

- prior knowledge of the suspect and the type of incident will provide an opportunity to evaluate the situation and make a decision on the force option to be used, and

**Situational Environment**

- the physical environment within which a confrontation takes place may have a bearing on the types of force options available to an officer (e.g., enclosed space may limit distance options).

**Force Options**

**Types of Force Options**

3.3 Force options available to a police officer are:

- presence,
- communication,
- empty hand compliance,
- aerosol irritants,
- empty hand impact,
- impact weapons,
- lateral neck restraint, and
- deadly force.

3.4 The attending officer will control a situation, by using the appropriate force option.
Presence

3.5 The physical presence and appearance of a police officer may influence a subject's actions, including:
- manner of arrival,
- number of officers,
- physical appearance,
- uniform, and
- equipment.

Communication

3.6 Communication is the first level where police can interact with a subject, including:
- verbal communication:
  - volume,
  - pitch, and
  - tone,
- non-verbal communication:
  - posture,
  - proximity,
  - gestures, and
  - facial expressions.

Empty Hand Compliance

3.7 Where physical force must be applied, the officer must use the least violent reasonable means, which may be used in combination, including:
- physical dominance,
- induced pain,
- lever and joint manipulation,
- throws and takedowns, and
- mechanical control and restraints.
3.8 The degree of physical force applied during empty hand compliance techniques may be determined by:

- the speed and strength of application,
- the precision of the technique, and
- the resistance of the subject.

**Aerosol Irritants**

3.9 Where compliance techniques are judged to be inadequate, then the use of approved aerosol irritants can be used by an officer having first considered the following:

- the requisite time and distance available,
- the subject is reasonably contained and officer/public safety is not compromised,
- a back-up or cover officer is immediately available to assist, should the attempted aerosol application fail to stop the subject or provoke an attack, and
- application of the aerosol irritant is unlikely to contaminate officers or civilians during the action of resolving the incident.

3.10 The recovery of contaminated subjects may be assisted by removal to uncontaminated air and rinsing with cool water.

3.11 Subjects who show no signs of recovery should receive prompt medical attention.

**Empty Hand Impact**

3.12 Where an officer believes that an impact technique will be necessary, then either aerosol irritants or impact weapons should be used before empty hand impact.

**Impact Weapons**

3.13 Where a police officer must use a striking technique to facilitate control, only approved impact weapons should be used.

3.14 Police officers must be aware of the differing levels of force which can be applied through the use of impact weapons and use the appropriate level of force to control the situation.

3.15 Police officers must avoid the use of impact weapons where that use has the potential to cause death, unless deadly force is an unavoidable option.
Lateral Neck Restraint

3.16 Where a police officer is required to control a violent subject immediately, and there is no lesser means available, then the lateral neck restraint should be used.

3.17 The lateral neck restraint can be used by an officer having first considered the following:

- a violent subject must be immediately controlled,
- no lower level of force would be appropriate in the given situation, and
- there is no reason to believe that the person being controlled will suffer injury.

3.18 Emergency care and medical examination will be provided immediately in the event of an abnormal recovery.

3.19 Only officers trained and demonstrating proficiency in applying the lateral neck restraint will use this force option.

3.20 Officers will be required to attain the minimum standards required for the use of the lateral neck restraint annually.

Deadly Force

3.21 The use of deadly force by a police officer in Canada is authorized under the provisions of the C.C.C. for the prevention of death or grievous bodily harm.

3.22 A police officer is justified in using force that is intended or likely to cause death or grievous bodily harm if the police officer believes, on reasonable grounds, that it is necessary for the purpose of preserving their life or anyone under their protection from death or grievous bodily harm.

Deadly Force Incident Causing Death or Injury

Deadly Force Shooting

3.23 In every police shooting incident that results in death or injury, the following procedures will be undertaken:

- the incident scene will be preserved and treated as a major crime scene,
- the officer’s firearm will be seized by the supervisor on the scene, or by the senior officer in attendance, and treated as an exhibit,
- the seizure of the officer’s gun should be done in private, as discreetly as possible, and the officer may be given a replacement weapon.
• the chief constable will be immediately notified of the incident,
• the _____ will be called to the scene,
• investigators will be called to the scene to conduct a comprehensive investigation,
• the forensic identification section will be called to the scene,
• in every case, the officer and the officer’s family will be offered immediate counselling, and
• the incident will be subject to a review.

Post Critical Incident Counselling

3.24 Where an officer’s use of force causes death, the officer may be provided with appropriate leave from duty for the purpose of receiving post critical incident counselling.

3.25 The officer, and the officer’s family, will be offered counselling immediately following the incident.

3.26 Prior to return, the officer may be examined by the police psychologist to determine the police officer’s fitness for active duty.

Reporting

Reporting Use of Force

3.27 Any police officer involved with the use of force will complete a report of the incident, whenever that officer:

• applies force to a person,
• uses an impact weapon,
• uses an aerosol irritant, or
• applies deadly force.

3.28 This report does not need to be completed in circumstances involving handcuffing or restraint of a person who offers no physical resistance.
Reporting Discharge of Firearm

3.29 Where a police officer discharges a firearm under circumstances other than training or maintenance, the officer will:

- notify their immediate supervisor,
- complete a report of the incident,
- if required, turn over their firearm, ammunition and used casings to their supervisor, and
- the supervisor will conduct an investigation and submit a report and recommendations to the chief constable.

3.30 Where a police officer kills or injures another person by the discharging of a firearm in the performance of duties:

- the officer involved will immediately surrender their firearm to a supervisor or investigating officer,
- the chief constable will initiate an investigation and submit a report to the chairperson of the police board, and
- the chairperson will review the report and take the appropriate action.

Investigation

3.31 A complete investigation into the use of deadly force will be conducted by _____ who will submit a detailed report to the chief constable including recommendations on re-assignment, further training or disciplinary action, if warranted.

Review

Review of Use of Force

3.32 All reported use of force will be reviewed by _____ to determine whether:

- department policies were adhered to,
- the policies covering the situation were clearly understandable and effective,
- department training and/or policies require revision.

3.33 All findings of non-compliance, with respect to policies or training inadequacies, will be reported to the chief constable.
Review of Discharge of Firearm or Use of Deadly Force Causing Death or Injury

3.34 A review committee will be assigned to review incidents where a firearm has been discharged.

3.35 The committee’s report and recommendations will be submitted within ten working days from the date the investigation is completed.
APPENDIX M

Justice Institute of British Columbia
Police Academy
Police Use of Force
POLICE USE OF FORCE

THE "COMPREHENSIVE" MODEL:

PROGRESSIVE GUIDELINES

FOR

BC MUNICIPAL POLICE OFFICERS

Prepared by:

Cpl. Gil Puder
Use of Force Coordinator,
Justice Institute of B.C., Police Academy

Revised: March 25, 1993
Police duties will, of necessity, involve the suspension of certain individual's liberties and freedoms. Often this detention and/or arrest will meet with resistance, sometimes considerable. By preventing crime and disorder, police work will, by its very nature, expose the officers to physical attacks from offenders. 

Police who, by perception or in fact misuse their privileges regarding force, are liable to criminal liability, as well as potential organizational discipline should relevant policy have been violated. Many provinces have specific legislation governing the investigation of allegations of police misconduct, as well as civilian appellate bodies to address unresolved complaints. And finally, all citizens have the civil court, where social norms, the common law, and the balance of probabilities will help determine whether a person has received less than just treatment at the hands of law enforcement. 

Police need a definable concept which will enable them to discharge their duties safely and effectively, and at the same time, satisfy public expectations. It is suggested that police officers required to use force seek to establish control. Control is in this context defined as, "the ability to safely direct another person's behaviour, be they either compliant or resistant". 

To establish control, police require specialized training, which will be referred to as control tactics. These techniques may be defined as, "uses of force designed to gain control with the least violent reasonable means, having regard firstly to officer safety and secondly to minimizing harm to the subject". 

The primary reason is that police intervene in conflict, and often do not have the privilege of "walking away" from an adversary. Since the officer will often decide to exercise force in the first instance, those applications must be judicious and humane. 

Early attempts at control tactics training focused on progressive levels of force, where one type of subject behaviour would bring a predetermined, trained response. This "continuum" approach has the potential to confuse officers, who may feel "locked in" to particular responses, be they effective or not. These models also became increasingly complex, as trainers sought to account for all expected circumstances. And, as the law and technology evolved, these models began to lose their relevance. 

Recognizing that no progressive "continuum" model could resolve all potential relationships between the police and an incident, many trainers turned to a "situational" approach. These models place the police at the centre of a "wheel" of potential responses, with the police able to move to any point in the wheel, dependent on relevant circumstances. Unfortunately, the "situational" models give little direction to the officer, and presume a level of familiarity with uses of force that the officer may not have. 

The Justice Institute of B.C. has recognized that the unique aspects of individual situations will never change, and thus INCIDENT EVALUATION is the first phase of use of force instruction. The officers must then understand their FORCE OPTIONS, or potential action groupings, as well as their expected level of PERFORMANCE with
any tactic. Finally, after developing an understanding of situational analysis, available responses, and personal expectation, the police officer can meld these areas into the CONTINUITY OF CONTROL TACTICS necessary for the professional resolution of conflict. Competently understanding these four components of a police officer's exercise of force has been titled the "Comprehensive" model. The following chapters will present these guidelines, which form the philosophical base behind JIP^ Police Academy control tactics training.

**Incident Evaluation:**

Before reacting to any situation with the application of force, a police officer will evaluate the incident. Through analysis of available information an officer will attempt to select the appropriate response; that is, the least violent judged likely to safely gain control in the given situation.

The sequence of evaluation may differ according to circumstances. Components are grouped for ease of study and to enable officers to articulate why they selected a particular response. In reality a police officer must make the evaluation as a whole, and will focus on those factors which are either most apparent or of great concern.

1. **Time and Distance**

A need for immediate action will place time constraints on a police officer's evaluation. The officer's distance, or lack thereof, from an incident, can also reduce available time. The likelihood of flawed decision-making is increased when there is insufficient time to make a thorough evaluation.

Evaluation of any aspect of an incident will be complicated by lack of time. In the most extreme example, a sudden attack at close quarters, the police response will be both reactive and instinctive in nature. Only proper training and practice can enable police to recognize likely dangers and immediately respond in a professional manner.

Recognizing that an enforcement officer requires time and distance to react to subject behaviour, hence the phrase, "reactionary gap". This refers to that distance necessary for the officer to respond effectively to a subject's spontaneous action. The required, "reactionary gap", although well understood in narrowly defined circumstances, must often be adjusted in field situations. Officers must recognize evaluation factors which would require an adjustment in their reactionary gap.

2. **Multiple Subjects**

When police officers find themselves facing superior numbers, the level of potential danger is magnified exponentially. Only speed and movement can enable an officer to control multiple subjects. Since the officer must quickly disable attackers and improve the likelihood of control, higher levels of force are a necessity. Compliance tools (OC and IMPACT WEAPONS) which provide a distance advantage are recommended in these circumstances.
3. Abilities Comparison

When a police officer determines that physical force is necessary to establish control, the member must compare their own physical abilities with those that are exhibited by the subject. Although the actual level of resistance will be influenced by skills, emotional state, and/or cognitive decision-making, the potential is determined by the subject's physical abilities. This is no different than the potential for police control tactics performance, which in BC is measured by the Police Officer's Physical Abilities Test.

Since there is no "field test" by which an officer can "measure" their subject, a visual evaluation must usually suffice. Factors which will contribute to the police officer's assessment of the subject are:

- Size
- Sex
- Skills (when demonstrated)
- Muscular development
- Age

The officer will then compare their potential for achieving control vs the subject's potential to resist. An officer who reasonably believes they possess a physical advantage will generally be able to gain control at a level of force then one who does not.

4. Demonstrated Threat

Subjects can demonstrate various levels of potential behaviour. This is generally done through physical action, which must be quickly interpreted by the respondent officer:

a. Weapons: Both the type of weapon and the manner in which it is carried or held can influence an officer's perception of potential danger.

b. Levels of Resistance

i. Non-verbal intimidation - posture, proxemics, gestures and facial expressions create an aggressive demeanour about the subject.

ii. Verbal non-compliance - threats, argument, and/or refusal to obey a lawful request. Can often be combined with other levels of resistance.

iii. Passive resistance - dead weight, linked arms, sit-ins, etc.

iv. Defensive resistance - physical actions which impede the officer. Can include walking away, "turning turtle" on the ground, pushing out of compliance holds, etc.

v. Active aggression - actual assault upon the officer(s) including punches, kicks, etc.

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vi. *Deadly force assault* - active aggression which places the officer(s) at risk of death or grievous bodily harm. Includes but not limited to, assaults with various types of weapons.

Levels of resistance can change quickly within the context of any particular incident, and police must be alert to all possibilities.

5. **Special Knowledge**

Access to information systems which are part of police agencies will often provide an officer with knowledge of a subject's previously demonstrated behaviour. Police who are regularly assigned to a specific area of duty will often encounter repeat offenders, and become familiar with their habits and preferences. This *SPECIAL KNOWLEDGE* will often cause an officer to consider a specific force option, based on the past history of the subject.

A related source of input occurs when the officer is dispatched to a complaint. The knowledge of the *type* of incident being investigated will lead the officer into a certain level of expectation, based on training and experience.

6. **Situational Environment**

The immediate environment in which an incident takes place may affect the police evaluation. This can be from the perspective of either the immediate situation or a contemplated response. As one example, a large, determined attacker is much more of a threat in a confined hotel room than in an open alleyway. Certain force options, or perhaps some included techniques, may not be available to the officer due to a lack of room to manoeuvre.

**Force Options and Levels of Response**

Any incident involving potential or actual conflict will reach some conclusion. By responding to, and becoming involved in these circumstances, police officers will alter the course of events. Although individual officers have no control over the situation s they might face, near-total control can be exercised over the selected police response. More often than not, this will require some form of training, in anticipation of reasonably expected events.

It is impossible to list the myriad individual situations which call for police intervention. What can be done, however, is to organize police control tactics into general groupings.

**Basic Force options** grouped the responses by similarity of technique. Their general progression is as follows:

1. **Presence:** recognition of some person(s) at an incident alters the behaviour of the other participants, facilitating control.
2. **Dialogue:** verbal and non-verbal communication skills resolve the conflict and result in voluntary compliance

3. **Empty Hands:** physical force must be used to gain control, and one person uses their own body to apply force to another

4. **Compliance Tools:** empty hands are insufficient to gain control, and equipment/weapons must be used to apply adequate levels of force;

5. **Deadly Force:** complete incapacitation of the subject is necessary to gain control, and an application of deadly force is the only available means.

Within the five force options are a myriad of included tactics and techniques. Not all will impart a similar degree of force to the subject, however, even when characterized by the same option. Since persons in authority are given statutory protection when using force, there is a reasonable social expectation that they will do so in a judicious manner.

Police receive equipment and training which can place them in a position of advantage; police are also authorized to intervene and use force in the first instance. Consequently, law enforcement uses of force must be more precise than that of the lay person. Police use of force must also escalate by degree, rather than type, to conform as closely as possible with s. 26 of the Criminal Code.

As a result, the JIBC. Police Academy teaching presents the five force options in eight progressive response levels. Use of force, although essentially grouped by type, here take into account both degree of force and the potential for injury to possible subjects.

1. Presence
2. Dialogue
3. Empty Hand Compliance
4. Aerosol Irritants
5. Empty Hand Impact
6. Impact Weapon
7. Lateral Neck Restraint
8. Deadly Force

Police must understand the strengths and weaknesses inherent in each response, from the perspectives of both officer survival and the humane treatment of subjects. Any skill or technique that an officer learns and may use must be carefully examined, and utilized within the context of the response grouping to which it belongs.

To provide professional public service a police officer must be able to respond effectively within each level of response, at the same time selecting that option best suited to the situational requirements. Since a police officer will seek to establish
control using the minimum required force, it is logical to examine the levels of response in order of their recommended application to the subject.

1. **Presence**

When the participants to any event recognize the presence of a police officer, their behaviour will likely be modified to some extent. If this is the expectation, then police should take preparatory steps to ensure that their presence influences behaviour in a desirable direction. At the very least, the individual officer should be aware of the individual factors in a police presence which might influence a subject's action.

a. **Manner of Arrival:**

Police will be immediately associated with the type of transportation used to reach any situation. Common modes of transport are:

(i) marked car;
(ii) unmarked car;
(iii) motorcycle;
(iv) wagon or transport van;
(v) foot patrol;
(vi) speciality vehicle.

Civilian perceptions of the "type: of officer associated with apparently different duties are largely coloured by entertainment and the media, and police must be sensitive to this. Particularly susceptible to stereotyping are ERT personnel and traffic enforcement officers, whose equipment vans and motorcycles are easily identified.

A further, and potentially useful example, is the prisoner transportation wagon. A disturbance may be quelled by the timely arrival of the wagon. Potential lawbreakers receive visible reinforcement that arrest/detention may be the result of their behaviour.

b. **Number of Officers:**

Any subject will form an expectation of potential police actions based on the number of officers responding to that situation. To many people this will indicate the severity with which the police view the matter.

Additionally, any subject who may be considering hostile action towards the police will be discouraged by multiple officers. Any individual can be surprised, whereas a secondary (back-up or cover) officer guarantees some sort of response to aggressive suspect behaviour.

c. **Physical Appearance:**

Any individual who is evaluating a potential adversary will look for visual indicators of their opponent's abilities. This is true for both police and subjects, and is considerably more complex than the obvious factors of height and weight.
Muscular development and vascularity, alert posture, flat stomach and neat grooming will create an image of one who maintains their physical well being. When facing a police officer who exhibits these characteristics, a subject is aware that their potential adversary has dedicated at least some time to training. The suspect may well wonder what type of training, and whether or not the officer might possess combative skills to complement obvious physical attributes. By creating self-doubt in the mind of an offender, the officer makes it less likely that the suspect will choose a physical confrontation.

There are numerous police anecdotes about suspects with a violent history, who have been completely co-operative when faced by visibly fit, highly trained officers. An equal number of stories revolve around offenders who have taken advantage of an officer who appears complacent, or lacking in physical abilities. It is unrealistic to expect any officer to be physically superior to all suspects. By maintaining a professional level of physical ability, however, the officer can present even determined offenders with an unpleasant and difficult obstacle. By causing the suspect to reconsider, the officer may unknowingly have resolved a violent confrontation. This can only be accomplished through a professionally supportive lifestyle.

d. Uniform:

Related to physical appearance are the uniforms worn by police officers, and the manner in which the officers wear them. A subject will again make suppositions (not always accurate) through visual cues drawn from the individual uniform.

Many police agencies have different uniforms for specialized areas of duty (e.g. ERT, Traffic, K-9, etc.). Each will be perceived in a slightly different fashion by any subject, and officers must be aware of this. Insignia of rank and badges of achievement/service can, when worn, send a slightly different signal to the subject. Anyone, whether victim or suspect, will often want to deal directly with that officer who they perceive as being "senior" or "in-charge".

Of additional importance is the manner in which officers wear their uniform. A neat, clean, pressed and well tailored uniform sends a professional image to the observer. Being perceived as one who is, "prepared to do the job", can give an aura of resourcefulness, particularly helpful in a use of force context. Hesitation or a lack of confidence by any potential assailant is a significant advantage to the officer. As is the case with (c) physical appearance, officers will likely never realize those situations where their uniformed appearance resolved some level of conflict.

e. Equipment:

The type of equipment an officer wears, and the manner in which it is worn, can send a strong message to any observer. A sidearm, baton, can of aerosol irritant (mace of OC) and handcuffs are all tools associated with uses of force and levels of control. The presence of these pieces of equipment infers not only that the officer has quick access, but also the reasonable expectation that he/she is competent in their use. Any type of equipment will lead to a perception based on potential application.

The manner in which certain types of equipment is worn or carried can impact strongly on many situations. Using the baton as an example, a different message is sent when the baton moves from the belt to the hand. Alternative signals can also be
sent via different carry positions (loaded, ready, spring-loaded, etc.) Related examples can be given concerning other pieces of equipment, and it is a necessity that officers understand how their deportment can impact upon various circumstances. Speaking generally, the low-profile and timely use of equipment will reduce or subdue conflict, while its ostentatious or premature use may aggravate situations.

f. Perceptions of Individual or Department

Since it is likely that people will meet more than one police officer in their lives, suspects will develop preconceptions about future treatment based on past experience. If an officer displays unprofessional behaviour towards an individual, that same individual will reasonably expect similar action at their next police encounter. Inappropriate suspect responses to police intervention can be developed in just this fashion, and endanger the safety of all law enforcement officers. The problem can be compounded when several incidents involving a single agency receive wide media attention.

Police need to be continuously reminded that their behaviour as individual professionals will influence perceptions of the department and police community as a whole. Given the high rate of repeat offenders, it is in each officer's own best interest to maintain a high standard of professionalism, since suspects will often meet the same officer a second time. The high-profile task of law enforcement demands nothing less than each officer's best available response to a given situation. A heavy-handed policeman, or one who vacillates and is indecisive, will create future problems for themselves, their peers and the organization in general.

2. Dialogue (Tactical)

Once police officers have made contact with an incident, their presence will immediately begin to alter the course of events. Dialogue, however, is the next level of response, and the first level at which police can interact with the subject(s).

The subject of dialogue training for police personnel is both broad in scope and complex in nature. No attempt will be made at detailed analysis here, since major works have been devoted to small portions of this topic.

Dialogue skills can be broken into two broad categories, which are closely linked during actual usage:

a. Verbal Communication:
   • volume, tone, pitch
   • vocabulary
   • context (command, interrogative, etc.)
   • structure

b. Non Verbal Communication:
   • posture
   • proxemics
Many components of an officer's presence must also be considered when analyzing the effects of non-verbal communication.

A critical area for police officers is crossing the boundary from dialogue to physical uses of force. The Verbal Judo Institute, an internationally recognized conflict resolution training firm, has developed an excellent model for the requirements of physical action. The acronym, "SAFER" is formed by the five conditions where dialogue has failed and action is called for:

**Security:** Civilians, other officers, or property under police control are in imminent jeopardy.

**Attack:** Based upon training and the situation, an officer's personal danger zone is threatened.

**Flight:** A subject unlawfully flees your presence.

**Excessive Repetition:** No voluntary compliance is forthcoming, and all dialogue options have been exhausted.

**Revised Priorities:** A matter of a higher priority requires your immediate attention or presence.

When one or more of these conditions has been met, a higher level response will be required. The actual tactic selected will be dependent on several situational variables.

Finally, there is some debate over the continuity of dialogue during the exercise of physical force options. Some police trainers advocate the use of dialogue during the application of physical techniques. In the opinion of Police Academy Faculty, this could prove both unsafe and unrealistic, particularly in the more dynamic responses. Dialogue during techniques often interferes with concentration and motor skills, compromising the safety of both officer and subject.

Recommended practice is that police engage in dialogue first, upon subject contact, given adequate time and safety considerations. If a higher level force option is required, then police should return to dialogue once some measure of control is established. This will give the subject direction on how to comply voluntarily and avoid further force applications.

3. **Empty Hand Compliance**

When physical force must be utilized to gain subject control, police are obliged to use the least violent reasonable means. This first group of techniques is characterized by using clothing and/or body grasps to facilitate force applications. Thus the term,
"empty hand compliance", has been co-opted to describe a number of trained techniques.

When an empty hand compliance technique is used, control may be established through a variety of means. These include:

a. physical dominance  
b. induced pain  
c. lever and joint manipulation  
d. throws and takedowns  
e. mechanical control  
f. handcuffs and restraints

It is important to note that an individual technique may potentially offer control through any one or a combination of the five described factors. A good example would be the "neat custody", or "transport wristlock", commonly used as a restraining method. This would best be characterized as,

c. lever manipulation, yet submissive compliance might be gained through the b) induced pain inherent in its application. Physical dominance would quickly allow the hold to be applied, and it can quickly be escalated into a
d. takedown, should the need arise.

What largely determines the degree of force applied during empty hand compliance techniques are:

• speed and strength of application  
• precision of technique  
• resistance of subject

All of these factors, of course, are dependent upon the individual officer within a situational context.

4. Aerosol Irritants

Upon initiation of subject contact, a police officer may reasonably believe that empty hand compliance will prove insufficient to safely establish control. Alternatively, the officer may attempt an empty hand compliance technique with unsatisfactory results. When compliance techniques are judged inadequate, then aerosol irritants provide the next level of response.

The two most widely used aerosols are OC (oleoresin capsicum) and MACE (CS: orthochlorolunzalonalnitrile). On December 17, 1991, the BC Police Commission approved OC for use by BC Municipal Police Officers. Since the active ingredient OC is marketed by several manufacturers under various trade names, it is the generic OC effect with which officers should familiarize themselves.

OC is a resin extract of the cayenne pepper plant. Upon application to human and animal subjects, OC causes extreme irritation to mucous membranes. The symptoms of irritation include involuntary tearing, eyelid closure, coughing, gagging, and gasping for breath. Test subjects describe an intense burning of the skin and
mucous membranes inside nose and mouth. Frequently the symptoms will, in combination, prove so severe that the subject abandons active aggression in favour of submissive compliance.

The physiological effects of OC will normally subside within an hour. The recovery of contaminated subjects may be assisted by:

- removal to uncontaminated air
- rinsing with cool water

Subjects who show no signs of recovery within an hour should receive prompt medical attention.

Because there has been no documentation of serious or permanent injury caused through OC application, it is a preferable alternative to EMPTY HAND IMPACT or IMPACT WEAPON techniques. OC aerosols also provide police with a greater distance advantage than either impact option, and require minimal physical skills to utilize. OC is not a panacea, however, and has several limiting factors.

a. Environment:

Wind and precipitation can both impair the effectiveness of the aerosol delivery and reduce the chances of sufficient OC contacting the target. A confined area can put the officer at risk of contamination, if the air becomes saturated with OC. A crowded environment can also put other officers and civilians at unacceptable risk of contamination.

b. Distance:

At close quarters (grappling distance) the officer will be at serious risk of being contaminated along with the subject. Since OC aerosols require distance for safe application, and an officer may be unable to disengage from attempted empty hand techniques, the aerosol may not be a practical option.

c. Physical Control:

Other than pain and irritation, there are no physical controls on a subject contaminated with OC. An officer must still use empty hand and dialogue skills to take control, even when OC application results in voluntary compliance. Pain management, training, drug/alcohol impairment, or simple determination can allow contaminated subjects to continue aggression. Since OC is usually, but not always effective, and officers cannot predict which subjects will prove resistant, police must always remain prepared to apply higher levels of force.

With any new product, aggressive marketing and special interests groups can exaggerate its effectiveness. Regarding OC, this problem has manifested itself in the area of edged weapons assaults. The unpredictability of OC, its lack of necessary distance, and the absence of physical control make it an inappropriate first option to employ when facing a knife-wielding assailant. After the sidearm has
been accessed, a police officer may consider an OC application under the following circumstances:

- the requisite time and distance are available
- the armed subject is reasonably contained, and officer/public safety is not compromised
- the suspect is not engaged with, nor attempting to engage, an officer or civilian victim
- a back-up or cover officer is immediately available to apply deadly force, should the attempted OC application fail to stop the subject or provoke an edged weapons attack
- application of OC is unlikely to contaminate officers or civilians during the action of resolving the incident.

5. Empty Hand Impact

These responses may be described as, "any dynamic striking technique where the officer uses their own body to deliver a traumatic blow to the subject". These techniques occupy a paradoxical place amongst police control tactics, since they are seldom preferred techniques yet are often required to initiate control.

Empty hand impact techniques are trained to be delivered by feet, knees, elbows, fists and open hands. When a blow is struck, both the subject target location and the officer's delivery system receive an equal amount of force. Thus the officer must ensure that their selected striking "weapon" can withstand the shock, and at the same time, choose a target that will cause sufficient distraction/stunning/dysfunction in the subject to initiate control objectives.

Unfortunately, it takes a fairly high degree of skill to accomplish both of these goals. Officers often receive injuries when using an empty hand striking technique, and/or the subject is not immediately controlled. For these reasons, if a police officer believes at the onset of a subject contact that an impact technique will be necessary, then either AEROSOL IRRITANTS or IMPACT WEAPONS should be utilized.

Time and distance are required to make this decision, however, to ensure access to the chosen compliance tool since a police officer is not always afforded this luxury, EMPTY HAND IMPACT techniques must often be used out of necessity. When engaged in control tactics, impact techniques serve the following purposes:

- allow for closing or creating distance
- distraction of subject/stunning
- enhancement of EMPTY HAND COMPLIANCE techniques

In all circumstances, including a subject being rendered unconscious through an impact technique, the officer will need to de-escalate through EMPTY HAND COMPLIANCE and DIALOGUE to establish and maintain control.
6  **Impact Weapons**

When a police officer must use a striking technique to facilitate control, then their IMPACT WEAPON is the response of choice. For BC Municipal Police Officers, the standard of issue is the straight baton (standard or expandable), which is available in a variety of sizes. The most common for general duty patrol use are 21" - 26".

Many alternative IMPACT WEAPONS are available in the police equipment market, including side handle batons, "Sceptre" batons, nunchakus, etc. Each particular weapon design has unique advantages / disadvantages, which every officer should consider before potential use. To meet the criteria of this level of force, a IMPACT WEAPON should: "assist the officer in delivering a dynamic striking blow to a subject".

7. **Lateral Neck Restraint**

The Lateral Neck Restraint (aka vascular neck restraint) should not be confused with chokeholds, which are entirely separate techniques. Respiratory chokeholds involve constriction of the airway, commonly achieved through direct pressure to the front of the subject's throat. Control is established through pain compliance and/or unconsciousness induced through strangulation. The dangers associated with chokeholds discourage their use.

Several techniques and variations may be utilized to accomplish LATERAL NECK RESTRAINT, and these have been adapted from the art of judo. Since the inception of judo in 1882 by Professor Jigoro Kano, there has never been a death caused through use of neck hold techniques. In BC, a municipal police officer has never caused subject injury resulting from LATERAL NECK RESTRAINT since the current Police Academy training system began development (1985). This is noteworthy, given the estimated several thousand applications in the year since.

Unfortunately, police use of neck holds has been associated with some isolated subject deaths and certain special interest groups have attempted to classify LATERAL NECK RESTRAINT as DEADLY FORCE. Quite clearly, however, these techniques do not qualify under the lawful definition of DEADLY FORCE, (s. 25(3), i.e. force that is intended or likely to cause death or grievous bodily harm. Despite the relative safety of the technique, risk factors require police to minimize potential applications.

Officers must always consider alternatives, given the requisite time and distance to do so. Both AEROSOL IRRITANTS and IMPACT WEAPONS provide a distance advantage to the officer, while LATERAL NECK RESTRAINT requires grappling at close quarters. this is seldom desirable, but unfortunately, can be unavoidable. Many situational factors can render AEROSOL IRRITANTS and IMPACT WEAPONS either unavailable or impractical. In these situation LATERAL NECK RESTRAINT may be the only police technique able to gain control.
LATERAL NECK RESTRAINT should not be used as a come-along, or to subdue a subject who is merely uncooperative. The following guidelines are recommended for its use:

- a violent subject must be immediately controlled
- no lower level of force would be appropriate in the given situation
- there is no reason to believe the person being controlled will suffer injury
- the police member has been completely trained in an approved technique.

Emergency care and medical examination are a necessity in the event of an abnormal recovery process.

8. **Deadly Force**

Police use of DEADLY FORCE is most commonly associated with firearms. There are, however, certain applications of EMPTY HAND COMPLIANCE, EMPTY HAND IMPACT, and IMPACT WEAPONS where death or grievous bodily harm might reasonably result. Consequently, police must be alert to these possibilities. Training will heighten awareness and:

- reduce the likelihood of accidental death or grievous injury through inappropriate uses of force
- enable police to use certain techniques where DEADLY FORCE is necessary, yet the firearm either impractical or inaccessible.

Although DEADLY FORCE is a last-resort measure, it is still an unavoidable necessity in some circumstances. Great care must be taken to properly articulate the correct context for its uses. Phrases like, "alternative to deadly force", which imply an easy substitute, are misleading and should be abandoned.

A similarly misused phrase is the "shoot to kill" claim, often made when police use firearms in deadly force circumstances. JIBC firearms training instructs that the firearm is used to stop the immediate threat, where lesser means are inadequate or unavailable. Although the central mass target may result in the death of a subject, this is not the intent of training.

When a physical force application is required (see "SAFER"), then police will endeavour to select the appropriate tactic; i.e. the least violent judged likely to safely gain control. The officer(s) must evaluate the situation in light of their own ability to perform relevant control technique. A police officer's "best judgement" would be the least violent response, wherein the officer reasonably believes that his/her performance will safely overcome anticipated resistance. Part II examined evaluation of incidents, Part III the responses available to the police officer; the following sections will focus on those factors which determine the police officer's performance of physical force applications.

1. **Physical Abilities**

Whenever a police officer chooses to apply force to a subject, their relevant PHYSICAL ABILITIES will determine their potential for performance. Any motor-dependent control tactic requires certain PHYSICAL ABILITIES; the applicable abilities of the officer indicate the level of performance that officer might reach.
The Police Officer's Physical Abilities Study (Farenholz, Rhodes, 1986) administered by the Justice Institute of BC, identified those PHYSICAL ABILITIES necessary for resolution of a "critical incident", (arrest and control of a resistant subject). The resultant Police Officer's Physical Abilities Test (POPAT) measures the level of abilities performed by an individual officer. Where minimum abilities have been demonstrated, that officer has exhibited the physical potential to apply police control tactics at a clinically competent level, and is thus suitable for training.

It is important to note that PHYSICAL ABILITIES tests differ in design from the usual tests of physical fitness. PHYSICAL ABILITIES tests examine the working potential of an individual in activities that represent valid job requirements; physical fitness tests (pushups, situps, 2.4 km run) are demonstration of activities that measure an individual's various components of personal fitness. It is the opinion of JIBC faculty that valid job requirements must be the selection criteria for police training.

When examining a police officer's PHYSICAL ABILITIES, it should be apparent that the potential for performance of control tactics is a direct function of these abilities. A person with a superior abilities base and a commensurately greater performance level, might then be able to exercise a lower-level force response and reasonably expect to control their subject. Consequently, police officers who have superior PHYSICAL ABILITIES will generally be able to achieve subject control using less violent techniques.

2. **Efficiency and Skill Development**

When a police officer applies some level of force to a subject, their PHYSICAL ABILITIES are utilized through relevant motor skill activities. The EFFICIENCY with which these techniques are applied is a contributing factor to the performance of control tactics.

Police training programs should provide student officers with a working knowledge of those techniques necessary to perform expected control requirements. Just as it is unrealistic to expect all officers to possess superior PHYSICAL ABILITIES, it is unrealistic to expect superior skill EFFICIENCY. True "expertise" in skill EFFICIENCY can only be achieved through countless hours of dedicated practice.

Police services do not have the luxury of infinite budgets, which would be necessary to train all members to "expert" levels of skill. Since this level of EFFICIENCY cannot be achieved (other than by the very gifted and/or students with a previous background), training programs must focus on ensuring that students achieve competency in SKILL DEVELOPMENT. Only through demonstrated competency can there be a reasonable expectation that officers will utilize their PHYSICAL ABILITIES in a socially acceptable manner. This competent level of EFFICIENCY in SKILL DEVELOPMENT is prerequisite to the professional application of any arrest and control technique.

3. **Tactics**

A police officer who possesses the necessary PHYSICAL ABILITIES to perform required techniques, must also have developed a competence level of EFFICIENCY in acceptable control TACTICS. The greater number of TACTICS that an officer can
competently perform, the greater likelihood that he/she can respond effectively to most incidents. It is suggested that, to perform as a police professional, any officer must be competent in a minimum of one technique or TACTIC categorized by each of the levels of response. Only through this professional development can the police officer truly minimize the levels of force necessary to achieve control.

What cannot be overstated is the self-image of the individual officer, which should support a valid belief that he/she can competently perform a relevant TACTIC. Although the employer and qualified instructor may be satisfied with a particular officer's competence, these endorsements are moot if that officer does not have the self-confidence to use the technique operationally. For this reason, control TACTICS training must focus on techniques which are easy to learn (minimize complex motor skills), effective in real circumstances, and likely to be utilized in situations requiring control.

Once a police officer has a solid base of relevant TACTICS, which can be drawn from and utilized when control is required, they must endeavour to effectively match the correct TACTIC to their situational evaluation. An officer's skill in achieving this goal can only be developed through realistic training, practice and experience. When TIME and DISTANCE are reduced in any situational evaluation, officers will tend to select the TACTIC with which they have the highest degree of confidence (generally the one with which they have the most experience, EFFICIENCY, and SKILL DEVELOPMENT). It should go without saying that currently matching TACTICS with circumstances has a huge impact on eventual performance.

4. **Effort and Motivation**

The interaction between an officer's psychological response and physical performance is significant, yet difficult to define. A unique mentality is required to apply oneself completely and without hesitation to the incident, yet de-escalate force upon establishing control. The officer must possess determination to succeed, dedication in adverse circumstances, self-discipline in a high-stress combative environment, and the empathy necessary to care for a potentially injured adversary. The effect of an officer's mental and emotional state on eventual performance is not well understood or quantified; there is no debate, however, that it often determines the success or failure of any response.

5. **Timing**

Any police officer, regardless of their level in the aforementioned categories, will suffer a serious decline in performance of techniques without correct TIMING. Conversely, an officer with limited capabilities can exercise a control tactic with some degree of success, if their TIMING is precise.

"Seeing the moment", to act, and then applying oneself completely to the selected skill, is a talent which can only be developed through experience and realistic practice. Experienced officers often demonstrate this by becoming dependent on "favourite" techniques to resolve what may be quite different incidents.

The more success an officer experiences when using a particular TACTIC, the more likely that positive reinforcement will continue its use. TIMING (and likely
EFFICIENCY) will improve as the technique is used, and with the increased performance will come more success with this particular control TACTIC. Thus a cycle of perpetuation begins to ingrain a technique as the officer's "preferred" response.

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This consistency can be a double-edged sword, if inadequately trained officers become overtly reliant on a single technique. This increases the likelihood that the officer will respond in the wrong context, when either a greater or lesser use of force should have been applied. This situation can either jeopardize officer safety, or result in unnecessary force being applied to a subject.

The suggestion that all officers must be competent to exercise a TACTIC categorized by each of the force options applies here. Regular refresher training, and realistic practice, can enhance TIMING and EFFICIENCY at the same time as addressing the context of application.

**Continuity of Control Tactics**

Subject control is seldom a process which completes upon the performance of any one force technique. Most often the police response must be flexible and fluid, where officers move smoothly between responses, and potentially use them in combination. Upon engaging in any particular incident, police use of force responsibilities are not complete until officers either:

a. disengage (strategic retreat);

b. gain control and:
   i. transfer the subject from personal custody to the care of another officer; or
   ii. release the subject from police custody.
JIBC faculty have reached the conclusion that it is impossible to create a simple, single teaching model which reconciles all potential incidents with the myriad of force responses possible from thousands of uniquely talented and equipped officers. For this reason, EVALUATING INCIDENTS, FORCE OPTIONS and PERFORMANCE models are taught as separate components of the police Use of Force instructional program. Only after the prospective officer understands each of these areas separately can they be combined in a continuous, professional process.

1. Upon exposure to an incident, the police officer(s) will make an evaluation.

2. After evaluating any incident, the officer(s) may engage with the subject(s); this decision may be cautious and prudent, or an emergent, "no choice" response.

3. The officer selects a FORCE OPTION.

4. The officer performs the relevant technique.

5. The police PERFORMANCE of a control tactic, and subsequent subject reaction, creates a new situation which requires re-evaluation.

6. If control has not been established, the officer(s) will escalate/de-escalate, and return to Step #3. This, "continuity loop" is repeated until either 7(a) or (b) occurs.

7a. The officer(s) disengage (retreat) from the incident. Occasions arise when continued police intervention will be counterproductive, or place the officer(s) at unacceptable risk of harm.

7b. Control of the subject(s) is established. Police officers must be mindful of their professional responsibilities, and use a combination of DIALOGUE and EMPTY HAND COMPLIANCE (including restraints) to continue control. Any escalation or repetition of force after this point will often be viewed as punitive and excessive. A police officer in control of a subject must be concerned for their welfare, and is not relieved of force responsibilities until either 8(a) or (b) occur.

8a. The police officer releases the subject from custody, or:

8b. The police officer transfers lawful custody of the subject to another law enforcement official.

This "CONTINUITY OF CONTROL TACTICS", is a process which may take place over seconds or hours, under hugely dissimilar circumstances. What remains constant, however, is the dynamic relationship between officer and subject.
1. PRESENCE

2. DIALOGUE

3. EMPTY HAND TACTICS
   - EMPTY HAND COMPLIANCE (SOFT)
   - EMPTY HAND IMPACT (HARD)
   - LATERAL NECK RESTRAINT

4. COMPLIANCE TOOLS
   - O.C. SPRAY
   - BATONS

5. DEADLY FORCE
1. PRESENCE

2. DIALOGUE

3. EMPTY HAND COMPLIANCE

4. AEROSOL IRRITANT

5. EMPTY HAND IMPACT

6. IMPACT WEAPONS

7. LATERAL NECK RESTRAINT

6. DEADLY FORCE
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The officer responds with the most reasonable option(s) relative to the situation.