



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

October 20, 2016

16-24

No Charges Approved in Valemount Police Shooting

Victoria - The Criminal Justice Branch (CJB), Ministry of Justice and Attorney General, announced today that no charges have been approved against members of the RCMP Emergency Response Team (ERT) who were involved in a shooting near Valemount, British Columbia on September 17, 2014.

During the course of arresting an armed suspect, shots were fired by several ERT officers. The suspect was killed and another armed individual was seriously wounded.

The possible *Criminal Code* offences considered in this case consisted of Murder (s. 231), Attempted Murder (s. 239), Assault (s. 266), Assault Causing Bodily Harm (s. 267), Aggravated Assault (s. 268), Discharging a Firearm with Intent to Wound (s. 244), and Careless Use of a Firearm (s. 86). The incident was investigated by the Independent Investigations Office (IIO), which subsequently submitted a Report to Crown Counsel (RTCC) to CJB.

Where the Chief Civilian Director of the IIO determines after an investigation that an officer or officers may have committed an offence, the IIO submits a report to CJB for charge assessment. The Chief Civilian Director does not make a recommendation on whether charges should be approved.

On the entirety of the evidence made available to it, CJB has concluded that the Branch charge assessment standard for initiating a prosecution against the RCMP officers has not been met. As such, no charges have been approved against these individuals.

Background

On September 17, 2014, the RCMP Northern District ERT attempted to execute arrest warrants on a male suspect who, along with a female, was illegally occupying a cabin in a remote area approximately 120 kilometers south-east of Valemount.

The suspect had been arrested and charged earlier in June 2014 after an incident where he blocked a public trail, threatened to kill a woman and her daughter who attempted to use the trail, and engaged in an extended standoff with police. When arrested on the earlier occasion, he was found in possession of numerous firearms and thousands of rounds of ammunition. He was not licensed to possess the firearms. A warrant for his arrest was issued after he failed to attend court on charges arising from the June incident.

Branch Vision

Courageous, Fair and Efficient – A Prosecution Service that has the Confidence of the Public.

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On September 17th, the police attempted to arrest the suspect at a cabin in a remote wooded area. In the course of the arrest the suspect was shot and killed by members of the RCMP. A female was also shot by the RCMP but later recovered from her injuries.

The IIO conducted an investigation and subsequently submitted a RTCC in relation to the four officers involved in the shooting.

Charge Assessment and the Criminal Standard of Proof

The Charge Assessment Guidelines applied by the CJB in reviewing all Reports to Crown Counsel are established in Branch policy and are available online at:

www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/cha-1-charge-assessment-guidelines.pdf

In making a charge assessment, Crown Counsel must review the evidence gathered by investigators in light of the legal elements of any offence that may have been committed. Crown Counsel must also remain aware of the presumption of innocence, the prosecution's burden of proof beyond a reasonable doubt and the fact that under Canadian criminal law, a reasonable doubt can arise from the evidence, the absence of evidence, inconsistencies in the evidence or the credibility or reliability of one or more of the witnesses. The person accused of an offence does not have to prove that he or she did not commit the offence. Rather, the Crown bears the burden of proof from beginning to end.

Application of the Charge Assessment Guidelines to this Case

Following a thorough review of the available evidence submitted by the IIO, the CJB has concluded that the evidence does not support approving any charges against the police. As a result, no charges have been approved and a prosecution will not be initiated in relation to any of the RCMP officers involved.

Ordinarily, a Media Statement from the CJB announcing that charges have not been approved in an IIO file is accompanied by a "Clear Statement" summarizing the available evidence and explaining the basis for Crown Counsel's decision. However, related matters arising out of the circumstances in this case are currently before the court. Out of respect for the integrity of the court process and fair trial rights, the Branch will not be providing a Clear statement with further details at this time. A Clear Statement explaining the decision to not approve charges against the RCMP officers will be released upon the conclusion of the related proceedings.

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