



CORONER'S COURT OF BRITISH COLUMBIA

held at Victoria, British Columbia

VERDICT AT CORONER'S INQUEST

We, the Jury, having been duly sworn and serving at the inquest, commencing on 13 November 2007 at

Victoria, British Columbia, and continued on the following dates 14, 15, 16 November, 2007

into the death of SEGUIN, John James Lionel find he/she came to his/her death at approximately 22:17 hours

on the 3rd day of February, AD, 2007 at or near Victoria British Columbia

MEDICAL CAUSE OF DEATH

(1) Immediate Cause of Death: a) Gunshot wound to the head

DUE TO OR AS A CONSEQUENCE OF

Antecedent Cause if any: b)

DUE TO OR AS A CONSEQUENCE OF

Giving rise to the immediate cause (a) above, stating underlying cause last. c)

(2) Other Significant Conditions Contributing to Death:

CLASSIFICATION OF THE EVENT ACCIDENTAL HOMICIDE NATURAL SUICIDE UNDETERMINED

The above verdict certified by the Jury on the 16th day of November AD, 2007.

NORM LEIBEL

Presiding Coroner's Printed Name

Presiding Coroner's Signature

TO BE COMPLETED BY PRESIDING CORONER

Age: 37 years Gender: Male Female
Date of Birth: 11 August, 1969 Native: Yes No
Coroner's Case No.: 2007:1002:0027 Post Mortem: Full External None
Police File No.: 2007-5525 Toxicology: Yes No
Police Department: Victoria Identification Method: Visual Other (specify below)
Court Reporter: Patricia Jane/ Verbatim Identified by: Fingerprint comparison
Phone: 604-555-1234 Premise of Injury: Street
Premise of Death: Hospital



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FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST

INTO THE DEATH OF

SEGUIN

SURNAME

JOHN JAMES LIONEL

GIVEN NAMES

INTRODUCTION

The inquest into the death of John James Lionel Seguin commenced at 0940 hours on November 13, 2007 in Courtroom 302 of the Supreme Court of British Columbia in the City of Victoria. The inquest continued in the same venue on November 14, 15 and 16th.

Counsel were :

- Dr. Sydney Pilley Coroner's Counsel
- Mr. Richard Peck, QC Counsel for Sergeants Ayers and Johnston and for Constable Watson
- Mr. Reg Harris Counsel for the Victoria Police Department

The **Court Reporter** was Patricia Jane of Verbatim Reporting

The following 26 witnesses were called to testify. These included:

- Ms. Sharilyn Cadwallader
- Mr. Harwant Saini
- [REDACTED]
- Constable Bill Gubbins
- Constable Bob Iles
- Constable John Musicco
- Constable Wayne Giesbrecht
- Constable Roger Depass
- Constable Bill Roberts
- Ms. Ciatlin Carlson
- Mr. Ryan Williams
- Sergeant John Ayers
- Sergeant Mike Johnston
- Constable Cliff Watson
- Mr. Harry Djorgee
- Ms. Margaret Cleghorn
- Mr. Gregory McCullough
- Mr. Francois Blouin
- Mr. Mark Evans



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Dr. Victor Goschko *
Dr Charles Lee *
Sergeant Mike Yeager *
Mr. Tim Harper *
Sergeant John Irving *
A/Chief Constable Bill Naughton
Detective Mark Catto

* indicates that the witness was qualified as an expert.

The Victoria Sheriff Services took charge of the Jury and recorded the following exhibits:

- Exhibit #1 Aerial Photograph of area from Blanshard to Cook and Topaz to Kings
- Exhibit #2 Book of Photographs and diagrams with 4 tabs
- Exhibit #3 Night Photograph of east sidewalk of Blackwood Street
- Exhibit #4 Diagram of Hillside/Blackwood intersection showing bullet and casing locations
- Exhibit #5 National Use of Force diagram
- Exhibit #6 Victoria Police Department Emergency Vehicle Operation s.3.3 – May 2007
- Exhibit #7 Victoria Police Department Emergency Vehicle Operation s.3.3 – May 2006
- Exhibit #8 DVD disk containing a wave file of the radio transmissions associated with this incident and a typed transcript of those radio transmissions.
- Exhibit #9 Registration of Death

No special orders were made regarding the exhibits other than for exhibit #8. Exhibit #8 was released, by coroner's order issued during the inquest, for public review and use immediately after the completion of the inquest.



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PRESIDING CORONER COMMENTS

The following is a brief synopsis of the issues reviewed during the Inquest. The purpose of these comments is to assist the reader to more fully understand the Verdict and Recommendations of the Jury. It is not intended to be considered evidence nor is it intended in any way to replace the Jury's verdict.

On 3rd February 2007 at approximately 1930 hours, John Seguin parked a stolen white GMC Jimmy motor vehicle on the south side of Topaz Avenue in Victoria, approximately 2 car lengths east of the intersection with Quadra Street. Mr. Seguin went to visit a friend in his nearby house and was described by that friend as "high" and "twitchy" as a result of what the friend believed to be illicit drug intoxication. Mr. Seguin and the friend then snorted a line of cocaine each and, after 15 minutes or so, Mr. Seguin left the friend's house. Mr. Seguin was then seen by a neighbour of the friend to be "farming" on the friend's back deck; an activity that the neighbour considered to be searching for drugs and not uncommonly seen in persons addicted to drugs. Mr. Seguin then apparently returned to the parked Jimmy.

In the interim a Victoria Police Department constable in a passing marked police vehicle had noted the presence of the Jimmy on Topaz Avenue as a probable stolen vehicle. On performing the usual database checks, it was confirmed that the Jimmy was a stolen vehicle and a decision was made to place the vehicle under surveillance with the intention of arresting the driver on his or her return to the car. Surveillance was set up with the marked car parked on Topaz Avenue west of the Jimmy and with an unmarked police vehicle parked in a driveway on the north side of Topaz Avenue to the east of the Jimmy between Graham Street and Fifth Street. The unmarked police car had direct visual surveillance of the Jimmy.

At about 2006 hours a male, unidentified by any of the police officers, was seen to approach the Jimmy, enter and start the vehicle, and begin to pull out onto Topaz Avenue. The unmarked police car activated its emergency equipment and pulled out onto Topaz Avenue heading west with the intent of blocking the Jimmy's eastward passage. The marked police vehicle similarly activated its emergency equipment and pulled out onto Topaz Avenue driving east with the intent of completing the blockade of the Jimmy.

The Jimmy rammed the unmarked police car which, at the time of impact, was stationary in the middle of Topaz Avenue just east of the Topaz/Quadra intersection. The Jimmy then reversed and struck the marked police car which had moved behind it. By these maneuvers the Jimmy escaped the intended blockade and moved onto the grass verge at the south east corner of the Topaz/Quadra intersection. The Jimmy struck a tree and was likely struck again by the unmarked police car but succeeded in moving across the intersection to the north west corner. At that location forward movement was impeded by a cement wall and a further attempt was made to box the Jimmy in by the unmarked police car to the left of the Jimmy and an additional traffic section unmarked police car that had arrived on the scene to the right. Again the Jimmy



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managed to evade the attempted blockade by reversing rapidly into the intersection, making a right turn and then driving forward at high speed eastwards on Topaz Avenue.

As a result of the various impacts with police vehicles and the tree the Jimmy had suffered considerable body and mechanical damage and was described by witnesses as emitting sparks from the left front wheel and appearing difficult to control. Nevertheless, the Jimmy was driven from the Topaz/Quadra intersection at high speed. The driving behavior of the Jimmy throughout the attempted blockades and subsequent escape was described by civilian and police witnesses as if the driver had no intent to stop and was driving in a reckless and aggressive manner. As the Jimmy traveled east on Topaz Avenue the unmarked police car and the traffic section car commenced a pursuit with the unmarked car leading as the primary chase car.

The Jimmy turned right onto Graham Street, drove across Hillside Avenue without an apparent attempt to slow or stop, turned left on Kings Road and then left again – finally heading northbound on Blackwood Street. The pursuit continued throughout at speeds estimated in the region of between 50-60 kph and 70-80 kph. Separation was approximately 20 – 30 metres between each of the vehicles until the midpoint of Blackwood Street between Kings Road and Hillside Avenue. At that point the Jimmy slowed and separation became 5 – 10 metres. The Jimmy then accelerated again and shortly after this point the Jimmy, followed by the two chase cars, moved onto the sidewalk on the east side of Blackwood.

The various police activities were being broadcast on police radio and the Victoria Police Department road supervisor was aware of the surveillance, the ineffectiveness of the attempts to blockade the Jimmy and the subsequent pursuit. The road supervisor was an experienced police sergeant and had with him in his Tahoe vehicle a colleague who was also an experienced Victoria Police Department sergeant. Whilst consideration had been given to discontinuing the pursuit after the Jimmy crossed Hillside Avenue at Graham Street, this became irrelevant when the Jimmy turned eastbound on Kings Road since the road structure was such that a northbound left turn on to Blackwood Street would then become inevitable. There was apparently some difficulty in obtaining airtime access by the supervisor's colleague due to radio traffic volume at the time that consideration was being given to terminating the pursuit.

When the inevitable path of the Jimmy became apparent, the supervisor drove the Tahoe to the Hillside/Blackwood intersection and stationed his vehicle in the middle of Blackwood Street just south of the intersection with Hillside Avenue. At this point both sergeants exited the vehicle and moved onto the sidewalk on the east of Blackwood Street. It was at about this time that the Jimmy, with the two police vehicles in pursuit, moved onto the east sidewalk of Blackwood Street.

The Jimmy drove straight towards the road supervisor who narrowly avoided being struck by throwing himself backward into Blackwood Street. Just prior to doing so the road supervisor fired three rounds from



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his police issue handgun at the rapidly approaching Jimmy. The other sergeant also fired two rounds at the Jimmy as it approached and passed his position.

Shortly after the road supervisor had parked his vehicle another police officer arrived at the Hillside/Blackwood intersection and parked his police vehicle behind the Tahoe at an approximately 70-degree angle pointing left. This police constable exited his vehicle and moved into the Hillside/Blackwood intersection.

After passing the two sergeants, the Jimmy continued driving aggressively northbound on the Blackwood Street sidewalk at a speed variably estimated by different witnesses in the region of 50 – 70 kph. The Jimmy then entered the Hillside/Blackwood intersection pavement and began a yawing left turn completing about a 150-degree turn finally heading westwards and southwards on Hillside. The primary pursuit police vehicle also completed a similar turn, but at a tighter angle, and rammed the Jimmy on the driver's side, causing the Jimmy to spin a further 120 degrees onto the sidewalk to the south of Hillside Avenue just west of Blackwood Street. At this point the Jimmy was pointing eastwards down Hillside Avenue and had largely lost forward momentum. Nevertheless, the engine was continuing to be "gunned" by the driver and the wheels were spinning rapidly. The Jimmy again began to pick up speed and move forward.

During the 150 degree yawing turn in the Hillside intersection, the Jimmy had passed in front of the constable who had arrived on scene after the road supervisor. This officer discharged 3 rounds from his issued handgun aiming at the driver as the Jimmy moved around him heading north and west across Hillside Avenue.

During the movement of the Jimmy in its yawing turn across Hillside Avenue, the road supervisor and the other police sergeant had moved on foot towards the south west corner of the Hillside/Blackwood intersection. These officers were, respectively, to the passenger's side and to the driver's side of the Jimmy as it came onto the sidewalk at the south west corner of the intersection. As the Jimmy began to pick up speed the road supervisor discharged two rounds at the front passenger side tire of the Jimmy. The other sergeant discharged two rounds at the driver. Immediately after these shots were fired the engine of the Jimmy ceased being "gunned", and the Jimmy slowed and slid to the right coming to rest in proximity to a street sign at the south west corner of the intersection. At this point the second pursuit vehicle rammed the Jimmy at the front driver's side corner pinning it against the street sign.

After the Jimmy had come to halt with the engine idling, various police officers with handguns drawn approached the vehicle and determined that the driver appeared to be unresponsive. It was also apparent that the driver had likely suffered a head wound. Attempts were made to extricate the driver, initially from the driver's side door but vehicle damage made this impossible, and the driver was finally removed from the passenger side door and laid on the ground. First aid was rendered by the police officers.



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An ambulance had been called on an emergency basis during the finale of the interactions at the Hillside/Blackwood intersection and Emergency Health Services crews arrived at 2014 hours, shortly after the driver was removed from the vehicle. The driver was assessed and then urgently transported to Victoria General Hospital – arriving at 2036 hours. Detailed medical assessments were undertaken at Victoria General Hospital including CT and MRI scans. The opinion of a neurosurgeon was obtained and the opinion reached that injuries were so severe that there was no prospect of survival. Life support, in the form of respiratory assistance, was discontinued and the driver was pronounced deceased at 2217 hours.

Autopsy examination showed the presence of a gunshot wound, with entry on the left side of the head, which had caused major intracranial damage. There was also evidence of a perforating gunshot wound of the right upper arm, of chronic active hepatitis and of the presence of extensive polarizable crystals in the lungs. None of these additional findings were considered contributory to death although the hepatitis and lung crystals were identified as characteristic findings in chronic drug abusers. Toxicology examinations showed the presence of cocaine, cocaine byproducts and morphine at moderate levels in submitted post mortem blood samples. The cause of death was unequivocally identified by the forensic pathologist as being due to a gunshot wound to the head.

Subsequent fingerprint analysis definitively confirmed that the deceased person was John James Lionel Seguin. It was apparent that Mr. Seguin was known to the police with a criminal record containing convictions for thefts of various property including vehicles, robbery, various narcotic offences and two incidents involving car chases. Notwithstanding Mr. Seguin's lengthy criminal record and extensive previous police interactions, there was no evidence that the driver of the Jimmy was known to be Mr. Seguin by the various involved police officers until fingerprint analysis had been completed following Mr. Seguin's death.

It was apparent from a record of the radio transmissions that the entire incident from the entry of Mr. Seguin into the Jimmy on Topaz Avenue until the radio request for an ambulance lasted in the region of 2 minutes and 30 seconds.

After deliberation, the Jury classified the death as homicide Pursuant to Section 38 of the Coroners Act, the Jury put forward the following recommendations for dissemination.


Norm Leibel
Presiding Coroner



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RECOMMENDATIONS OF THE JURY

To: Honourable John Les
Minister of Public Safety and Solicitor General of British Columbia
PO BOX 9282 STN PROV GOVT
Victoria, BC V8W 9J7

To: Superintendent Gord Tomlinson
President
BC Association of Chiefs of Police
"E" Division RCMP
Vancouver, BC V5Z 1K6

A/Chief Bill Naughton
Victoria Police Department
Main Headquarters Building
850 Caledonia Avenue
Victoria, BC V8T 5J8

1. That further ongoing consideration be given to methods of action concerning securing or disabling stationary vehicles prior to active pursuit.
 - i) Follow progress of developing technology to electronically disable suspect vehicle before pursuit begins.
 - ii) Develop techniques to protect officers while entering and physically disabling vehicle, before pursuit begins.
 - iii) Make use of existing disabling devices, such as The Club, Denver Boot, or nail strips to immobilize stationary suspect vehicles.
 - iv) Develop techniques to physically block movement of suspect vehicle by use of police vehicles before pursuit begins.

Background Information

Evidence was received that there are various issues and problems relating to disabling vehicles under police surveillance. Part of this evidence related to cutting edge technology that is apparently under development in the use of electronic disabling devices that do not require intrusive access to the vehicle under surveillance.



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2. In the existing Victoria Police Department Pursuit Policy 3.3, reinsert the word "vehicular"pursuit.
3. The last bullet point of Pursuit Policy 3.3 be rephrased and clarified to reflect the need to protect public safety, as it is paramount over the apprehension of the suspect.
4. The insertion of an additional bullet point to Pursuit Policy 3.3 dealing with the need to proactively consider other alternatives and methods of containment of a suspect vehicle prior to initiating pursuit. Any and all activities, including but not limited to shadowing, boxing-in, surveillance of suspect vehicles be considered using available resources.

Background Information

Evidence was received that the Victoria Police Department Policy in regard to vehicle pursuits has been amended. The latest amendment - reflecting current policy - was entered as Exhibit #8 and the previous policy in existence February 3, 2007 - was entered as Exhibit #7.

5. Training and refresher training using the National Use of Force Model be continued.

Background Information

Evidence was received that training in the National Use of Force concept model is given as part of the initial training given to Victoria Police Department officers and that this is repeated intermittently on a refresher basis.

6. A clear policy be developed and adopted dealing with the termination of a pursuit, and a clear communication of this termination be relayed to all involved police officers. Termination of pursuit policies must pay strict attention to the greater interests of public safety.



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Background Information

Evidence was received as to the various factors reviewed and considerations given in determining when or if a vehicle pursuit by police should be terminated. Some evidence was received that potential radio transmissions from the road supervisor's vehicle were compromised at a time when discontinuation of the pursuit in this instance was being contemplated. However, evidence was also received that this compromise did not affect decision making since the stolen Jimmy took a path that rendered pursuit completion inevitable in the very short term thereafter.

- 7. The Victoria Police Department Pursuit Policy be shared with the BC Chiefs of Police and Ministry of Public Safety and Solicitor General of British Columbia with the intent that the policy be adopted province-wide.

Background Information

Evidence was received that the Victoria Police Department Policy in regard to vehicle pursuits has been amended. The latest amendment - reflecting current policy - was entered as Exhibit #8 and the previous policy in existence February 3, 2007 - was entered as Exhibit #7. It was the opinion of the Acting Chief of Police for the Victoria Police Department that the new amended policy provides significantly increased public safety and that similar policies should be considered for adoption by other police forces on a Province wide basis.