



VERDICT AT CORONER'S INQUEST

File No.:2005:0210:1025

An Inquest was held at Chief Coroners Court, in the municipality of Burnaby

In the Province of British Columbia, on the following dates August 25 - 29 and September 2 - 5, 2008

before Liana Wright, Presiding Coroner,

into the death of Kyle Andrew Tait, 16 (Age), Male Female

and the following findings were made:

Date and Time of Death: August 23rd, 2005 at 0246 hours

Place of Death: 6800 block Burns Street, Burnaby, BC (Location) (Municipality/Province)

Medical Cause of Death

(1) Immediate Cause of Death: a) Cardiac Arrest due to loss of blood DUE TO OR AS A CONSEQUENCE OF

Antecedent Cause if any: b) Gunshot wound to the torso 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 Death: Accidental Homicide Natural Suicide Undetermined

The above verdict certified by the Jury on the 5th day of September AD, 2008

LIANA WRIGHT

Presiding Coroner's Printed Name

Presiding Coroner's Signature



## VERDICT AT CORONER'S INQUEST

### FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST INTO THE DEATH OF

FILE NO.: 2005:0210:1025

TAIT

SURNAME

Kyle Andrew

GIVEN NAMES

#### **PARTIES INVOLVED IN THE INQUEST:**

Presiding Coroner: Liana Wright

Inquest Counsel: Steven Boorne

Court Reporting/Recording Agency: Verbatim Words

Participants/Counsel: Mr. Cameron Ward counsel for Ms. Noel Tait (mother of Kyle Tait)  
Mr. Reece Harding, counsel for New Westminster Police Service  
Mr. David Butcher, counsel for Cst. Todd Sweet

The Sheriff took charge of the jury and recorded 26 exhibits. Eighteen witnesses were duly sworn in and testified.

#### **PRESIDING CORONER'S SUMMARY:**

*The following is a brief summary of the circumstances of the death as presented to the jury at the inquest. The summary and my comments respecting the recommendations, if any, are only provided to assist the reader to more fully understand the Verdict and Recommendations of the jury. This summary is not intended to be considered evidence nor is it intended in any way to replace the jury's verdict.*

On August 23<sup>rd</sup>, 2005, at approximately 0200 hours, members of the New Westminster Police Services (NWPS) had set up a roadblock in the 300 block of McBride Avenue, just north of the Patullo Bridge, to check drivers for seatbelt violations and impaired driving. A 1996 GMC Yukon which had traveled northbound over the Patullo Bridge approached the roadblock and the driver was questioned by one of the constables. Shortly after the constable asked the driver to produce his driver's license and registration, the driver of the Yukon suddenly accelerated and sped away. Police officers at the roadblock got into their vehicles and began to pursue it.

The pursuit traveled through New Westminster and ended in the 6800 block of Burns Street in Burnaby. Cst. Todd Sweet of the NWPS, was the driver of the primary police pursuit vehicle when it arrived on Burns Street. He had a new recruit in the front passenger seat. Cst. Sweet passed the stationary Yukon and placed his police car at an angle in an effort to block its exit, with the front passenger side facing towards the Yukon. A second NWPS police car pulled up behind the Yukon, blocking its exit at the rear. The Yukon struck Cst. Sweet's police car twice. Cst. Sweet exited the police car and fired three rounds from his gun into the Yukon. The driver of the Yukon sustained two gunshot wounds to his left hand and the front seat passenger, Kyle Andrew Tait, died from a single gunshot wound to the torso.

The vehicle was identified as being stolen some time after the pursuit ended. The vehicle contained five occupants, ranging in ages from 14-18 years of age. The driver, 18 year old \_\_\_\_\_, had stolen the Yukon earlier that night and he did not possess a valid driver's license. He is currently serving a six year sentence for his role in this incident.



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*Pursuant to Section 38 of the Coroners Act, the following recommendations are forwarded to the Chief Coroner of the Province of British Columbia for distribution to the appropriate agency:*

#### JURY RECOMMENDATIONS:

TO: Commanding Officer New Westminster Police Service  
Ministry of the Solicitor General of BC – Police Services Division  
Commanding Officer 'E' Division RCMP

We recommend the following:

1. Mandatory annual physical, sight and hearing testing for all law enforcement personnel in the province of BC.

Coroner's Comments: The jury heard evidence that Cst. Sweet did not hear another constable's radio communication during the pursuit that there were possibly four occupants in the vehicle.

2. Mandatory annual participation in stress and anger management workshops for all law enforcement personnel in the province of BC.

Coroner's Comments: The jury heard evidence that Cst. Sweet had been involved in an incident two months prior in which, at the end of a pursuit, he used excessive force, kicking the handcuffed driver in the head (White incident). He later pled guilty to a charge of Assault Causing Bodily Harm. Cst. Sweet testified that he enrolled in an anger management course of his own volition following the incident.

3. Annual review and update of Code 5 Takedowns, Use of Force and Pursuit Policies with annual retraining of all law enforcement personnel, including supervisory staff, on said policies.

Coroner's Comments: The jury heard evidence that a Code 5 Takedown is a high risk motor vehicle or pedestrian stop. They heard evidence from a Use of Force expert that positioning a police vehicle in front of a suspect vehicle, as a general rule, is not sanctioned. The jury heard evidence from the Use of Force expert, who is also an experienced watch commander, that the safety of the public, the police officers involved in a pursuit and the occupants of the vehicle being pursued must be taken into consideration, weighing the risks involved with the risk that might ensue if the suspects are allowed to get away. The jury also heard from this expert that there is no mandatory requirement for annual refresher training for police officers on Code 5 Takedowns, Use of Force and Pursuit training.

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4. Communication amongst relevant agencies during internal/external/criminal investigations of police personnel must be made at timely intervals not exceeding one month throughout the period of the investigation.

Coroner's Comments: The jury heard evidence that New Westminster senior management on July 19<sup>th</sup>, 2005, asked for and were then granted by the Office of the Police Complaints Commissioner an external investigation by another police agency into Cst. Sweet's actions in the White incident. The jury heard that NWPS did not receive a flow of information with updates in the White incident investigation from the external police agency as the investigation progressed. They only received a full report and an understanding of the facts approximately 18 months later.

5. Police officers must be reassigned or suspended with pay immediately upon the initiation of any internal, external and/or criminal investigation involving lethal use of force or grievous bodily harm.

Coroner's Comments: The jury heard evidence that despite a serious complaint of bodily harm, NWPS did not reassign or suspend Cst. Sweet following the White incident.

6. Mandatory psychological evaluations for all police personnel every 5 years as well as immediately upon initiation of any investigation involving lethal use of force or grievous bodily harm.
7. Review of patrol car on-board communication equipment as well as review and update of all communication procedures and policies.
8. Placement of dashboard video cameras in all police patrol vehicles.