



VERDICT AT INQUEST

File No.:2010-0597-0069

An Inquest was held at Kamloops Law Courts, in the municipality of Kamloops in the Province of British Columbia, on the following dates May 14-15, 2012 before Mark Coleman, Presiding Coroner, into the death of Bartley, Wilbert Douglas Ross, 50, Male, and the following findings were made:

Date and Time of Death: July 30th, 2010 18:30hrs

Place of Death: 204 Tranquille Road, Kamloops, BC

Medical Cause of Death

(1) Immediate Cause of Death: a) Gunshot wounds 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 Death: Accidental, Homicide, Natural, Suicide, Undetermined

The above verdict certified by the Jury on the 15th day of May AD, 2012.

Mark Coleman, Presiding Coroner's Printed Name

[Signature], Presiding Coroner's Signature



## VERDICT AT INQUEST

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

FILE No.:2010-0597-0069

BARTLEY

WILBERT DOUGLAS ROSS

SURNAME

GIVEN NAMES

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

Presiding Coroner: Mark Coleman

Inquest Counsel: Rodrick MacKenzie

Court Reporting / Recording Agency: Joann Watson / Verbatim Words

Participants / Counsel: Minister of Justice & RCMP / David Kwan

The Sheriff took charge of the jury and recorded 3 exhibits. 13 witnesses were duly sworn in and testified.

#### **PRESIDING CORONER'S COMMENTS:**

*The following is a brief summary of the circumstances of the death as set out in the evidence presented to the jury at the inquest. The following summary of the evidence as presented at the inquest is 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 the evening of July 30, 2010, two plain clothed police officers were driving on Tranquille Road in Kamloops when one of the officers noticed an individual that he believed to be Wilbert Douglas Ross Bartley, in a parking lot at a gas station. The officer indicated to his partner that he had a laptop computer that needed to be returned to Mr. Bartley. The officers turned around and entered the parking lot in which Mr. Bartley had been observed.

At the time the officers entered the parking lot, Mr. Bartley had returned to the vehicle he had been driving and he was seated in the driver's seat. The police officers, who were driving an unmarked green minivan, pulled into the parking space immediately to the left of the vehicle occupied by Mr. Bartley. The officers identified themselves as police and stated that they needed to speak with Mr. Bartley. The officer in the passenger seat of the minivan exited his vehicle and stood in between the minivan and the vehicle occupied by Mr. Bartley. Both officers described that Mr. Bartley was shaking and appeared nervous. He was seen to be reaching toward the centre console of the vehicle and one of the officers indicated that Mr. Bartley appeared to be trying to shift gears. Mr. Bartley did not say anything to the officers.

After observing Mr. Bartley's reaction to their presence, the officers both expressed that they were concerned for the safety of the officer who was standing outside the minivan, between the two vehicles. The officer who was outside the minivan drew his firearm. The officer driving the minivan stated that he reversed his vehicle in order to ensure that the officer on foot would not be caught between the two vehicles if Mr. Bartley moved the vehicle he was driving. The officer driving the minivan reversed his vehicle into a position directly behind and perpendicular to the vehicle occupied by Mr. Bartley. Mr. Bartley was reversing his vehicle and struck the minivan as he did so. Witnesses to the incident reported that the vehicle driven by Mr. Bartley struck the minivan with significant force. Video from a surveillance camera in the convenience store appears to show Mr. Bartley's vehicle starting to move backwards prior to the minivan being in place behind it. The video was of poor quality and had a limited viewing angle, therefore it was only able to provide a partial record of the events that transpired.



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Witnesses described seeing the vehicle driven by Mr. Bartley push the minivan back and reverse toward the entrance to the parking lot. Mr. Bartley then stopped reversing. There was conflicting evidence regarding whether the vehicle driven by Mr. Bartley actually began to move forward at that point. The observations of witnesses and the officers involved included descriptions that varied from the vehicle being put into a forward gear, hearing the engine revving and seeing the vehicle move forward. Overall, the evidence suggested that Mr. Bartley was either moving forward or was clearly about to do so. At that point in time, the officer who had gotten out of the minivan was standing in the path of Mr. Bartley's vehicle and fired three shots at Mr. Bartley.

When the shots were fired, witnesses described the vehicle as suddenly moving forward and then turning sharply to the right. The vehicle crashed through the window of a coffee shop and became stuck. The rear tires were still spinning. One of the officers subsequently turned off the vehicle. Paramedics were called to the scene and confirmed that Mr. Bartley was deceased.

At some point during the incident, which took place over a span of less than 30 seconds, the officer driving the minivan also exited the vehicle and drew his firearm, but did not fire.

A forensic pathologist confirmed that all three shots fired by the officer struck Mr. Bartley in the head which would have caused an immediate loss of consciousness followed very quickly by death. The injuries were non-survivable.



# VERDICT AT CORONER'S INQUEST

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

FILE No: 2010-0597-0069

**BARTLEY**

SURNAME

**WILBERT DOUGLAS ROSS**

GIVEN NAMES

*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 the RCMP

1. It is recommended that the 'Bartley Incident' be reviewed and used as a training tool for law enforcement officers to improve and promote best practices when engaging in effective "Use of Lethal Force" training.
2. It is recommended that video camera surveillance be installed in unmarked vehicles to record interactions.
3. It is recommended that RCMP Officers be required to complete 8 hrs of "Use of Lethal Force" and/or Communication training annually.

*Coroner's Comment: The jury heard evidence from a use of force expert, which included information about communication being part of the use of force continuum.*

4. It is recommended that when property is to be returned to a citizen they are to be contacted via telephone or mail for pick up at the detachment.
5. It is recommended that when police officers are partnered, best attempts should be made for senior officers to be partnered with junior officers.

To the Coroner's Office:

6. It is recommended that all police officers involved in police shootings be available in person for Coroner's Inquest hearing, or where not possible at a minimum attend via live audio/video conference to allow Inquest Jury questioning.

*Coroner's Comment: The officer who was driving the minivan (the partner of the officer who shot Mr. Bartley), was not available during the week of the inquest and gave evidence via a deposition that was recorded on video and played for the Jury. Inquest counsel, RCMP counsel and the presiding coroner had the opportunity to question the witness, but the jury did not.*