



Royal Canadian Mounted Police
Gendarmerie royale du Canada

Security Classification/Designation
Classification/désignation sécuritaire

Protégé "B"

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Your File Votre référence

Mr. Robert Holmes
BC Civil Liberties Association
550 - 1188 West Georgia Street
Vancouver, B.C.
V6E 4A2

Our File Notre référence
RM08-13832

2009-04-27

Dear Mr. Holmes

Re: Randall Girard - Public Complaint against RCMP Ridge Meadows Detachment

This letter is in reference to your complaints lodged with the Commission For Public Complaints against the RCMP on June 12, 2008 against the on duty police officers Ridge Meadows RCMP Detachment working on that date in regards to the pursuit and apprehension of Mr. Randall Girard. Mr. Randall Girard had stolen a 5 ton truck and operated it, through the municipalities of Pitt Meadows and Maple Ridge. The driving was of such a nature that Mr. Girard put the public as well as the police officers lives in danger. The review of the file identified the following police officers;

Sergeant R. Lauzon
Corporal M. Fiddick
Constable P. Spencer
Constable P. Russell
Constable S. Chang
Constable I. Blair

A thorough investigation has been conducted into your allegations. I have had an opportunity to review the investigator's report. Accordingly, I am now in a position to comment on your concerns.

A. BACKGROUND INFORMATION

On May 26, 2008 at 0625 hrs., Randall GIRARD took a vehicle described as a 1996 Kenworth 5 ton truck. The vehicle was the property of Aljane Greenhouses Ltd. in Pitt Meadows. MR. GIRARD stole the vehicle and ended up on the Lougheed Highway in Maple Ridge after being followed by members of the Ridge Meadows Detachment. During the event, members had been attempting to stop the aggressive and dangerous operation of the vehicle by deploying stop sticks. All of the tires of the vehicle were deflated from the use of the stop sticks eventually coming to a stop. The driver made an attempt to flee the area on foot. An unmarked vehicle being driven by Corporal Fiddick assisted after the vehicle pursuit and GIRARD was struck by the unmarked police vehicle.

It is the actions of the above noted police officers which prompted you to lodge your complaint.

B. SUMMARY OF YOUR COMPLAINT

You have made allegations that the noted police officers committed the following:

1. Inappropriate use of force: The BCCLA allege that the police officer that struck Mr. GIRARD was using lethal force inappropriately and that this was a serious breach of policy and conduct. This allegation is specific to Corporal M. Fiddick.
2. A lack of adherence to pursuit policy: The BCCLA make a complaint about the conduct of all unnamed officers involved in this pursuit and seek a public report on this allegation as part of the investigation. The BCCLA's main concern is that an unmarked police vehicle was involved in the pursuit, and may have been the primary pursuit vehicle. This allegation refers to all the noted police officers
3. Inadequate pursuit policy: The BCCLA make allegations that concerns the lack of RCMP policy once a pursuit has ended, either because the vehicle has stopped or the vehicle occupant (s) have fled on foot. The alleged excessive use of force in this incident leads the BCCLA to believe that Part 5.4 of the operations manual outlines a very clear chain of command designed to ensure proper oversight, but fails to address issues that arise after a vehicle pursuit has ended. The BCCLA requests the RCMP implement policy change to address this policy gap. This allegation refers to Sergeant R. Lauzon.

C. FINDINGS OF THE INVESTIGATION

May 26, 2008

Randall Dennis GIRARD was at the Aljane Greenhouses on McKenzie Road in Pitt Meadows and entered an unlocked office area. Mr. GIRARD took from the office the keys to a 5 ton vehicle. Peter TUIK who works at the greenhouses attended work and observed the stolen vehicle being driven away. He gave a description along with the licence plate number and direction of travel. The vehicle was seen being operated on Old Dewdney Trunk Road towards Harris Road.

Constable Chang and Constable Dickenson located the vehicle at the intersection of Harris Road and Lougheed Highway. When Mr. GIRARD observed the police vehicles he entered the intersection against a red light and proceeded east bound on Lougheed Highway. Constable Chang and Constable Dickenson attempted to stop the vehicle in a routine fashion and Mr. GIRARD began to swerve across all the lanes of travel for east bound traffic. Mr. GIRARD continued and accelerated the speed of the vehicle to 100 kph. The speed was, in the opinion of Constable Chang and Constable Dickenson, excessive, and they pulled over to discontinue their attempt to stop the vehicle. This occurred as Sergeant Lauzon, the Watch Commander, left the office to control the situation from the road. Sergeant Lauzon had terminated the pursuit.

Mr. GIRARD then left Lougheed Highway and continued on 203 Street. Constable Chang and Constable Dickenson then took up positions to deploy a stop stick, in the event Mr. GIRARD returned. Mr. GIRARD drove by and yelled to police, believing that they were out to get him. He later came to a stop and Constable Dickenson approached the vehicle, on foot. Mr. GIRARD told him that CSIS and the government were after him. He also stated that he was going to drive to the bridge and blow it up. Mr. GIRARD then took off in the truck and directed it at Constable Chang, who was attempting to deploy the stop stick, a tire deflation device, to immobilize the vehicle. Constable Chang was able to avoid being hit.

Mr. GIRARD now continued down Lougheed Highway and headed onto the Haney Bypass. The police were following the truck at a safe distance, without the emergency equipment activated. When the truck reached 240 Street and Lougheed Highway, all of the police vehicles stopped following the truck. By this time, fog had descended onto Lougheed Highway. The police stopped civilian traffic for the time being from proceeding into this area to avoid coming into contact with Mr. GIRARD. Mission Detachment was alerted and requested to assist.

Mr. GIRARD had pulled the truck over on the highway as if he was waiting for the police vehicles to catch up to him. The police officers, moved slowly east on the Lougheed Highway in an attempt to locate Mr. GIRARD. Mr. GIRARD had turned the vehicle around and was now coming towards them. Mr. GIRARD made 3 attempts to run into the police officer as they attempted to deploy stop sticks. At 240 Street and Lougheed Highway police were eventually able to the deploy stop sticks, deflating several of the truck tires. Mr. GIRARD ran the truck directly into one police vehicle putting it out of commission. The police officer operating this vehicle was not injured, Mr. GIRARD continued on Lougheed Highway west bound.

Vehicle and pedestrian traffic had become heavier as the incident continued into rush hour. Mr. GIRARD was using all 3 lanes of travel, and the police maintained a safe distance and used their vehicle to block the public from him. Mr. GIRARD approached the intersection of Kanaka and Lougheed Highway and the Haney By Pass. All vehicle and pedestrian traffic had been stopped as Mr. GIRARD continued through the intersection to 116 Avenue intersection with Lougheed Highway. Mr. GIRARD stopped the truck and began backing it east bound running into another police vehicle that was parked on the side of the road. This marked police vehicle was also put out of commission. The officer operating this police vehicle was uninjured as he fled the vehicle prior to contact.

By this time Corporal Fiddick, the police dog handler, had arrived in the area of Lougheed Highway and Kanaka Creek. Mr. GIRARD continued to operate the truck with deflated tires on Lougheed Highway, and was headed west towards the downtown area of Maple Ridge. Mr. GIRARD was approximately half way up the incline to 116 Avenue, and came to a stop. Corporal Fiddick now in the immediate area manoeuvred his vehicle to observe the situation, he was approximately 200 feet to the east of the stopped truck. Corporal Fiddick, heard from police radio communications, that Mr. GIRARD had exited his vehicle and was now on foot, attempting to flee the area. Corporal Fiddick decided to reposition himself to deploy his police service dog if required. Corporal Fiddick drove over the centre median, that separated the west bound lanes, and the east bound lanes of Lougheed Highway. In doing so, the front tires of his police vehicle had deflated from the impact with the edge of the median which was raised and squared presenting a blunt edge. Corporal Fiddick's intended to place himself between the fleeing suspect to cut off an escape route to the south. The north side was covered off by the police officers that had been involved with the pursuit. As Corporal Fiddick was repositioning himself to the south side of the road behind the truck, Mr. GIRARD appeared in front of him. Corporal Fiddick applied his brakes but was unable to stop striking Mr. GIRARD. Corporal Fiddick's ability to bring his vehicle to a stop prior to the impact with Mr. GIRARD was hindered by the deflated front tires of the police vehicle.

Mr. GIRARD was arrested by Constable Martin, and checked at the scene by Emergency Health Services personnel. Mr. GIRARD was transported to Ridge Meadows Hospital and examined by a doctor. He had sustained very minor injuries and was subsequently released into the custody of the police. Mr. GIRARD was lodged into cells at the Ridge Meadows Detachment, and held for court.

During this incident other resources were considered to monitor the pursuit. Air One was requested, and it was not in service on this date. There was direct supervision at all times, by Sergeant Lauzon the D Watch Commander, who was on the road. Staff/Sergeant Tomalty, the Operations NCO, was in the Watch Office monitoring the incident as well. The Regional Duty Officer, Inspector Walsh was on the air and monitoring the pursuit.

After the pursuit was completed, the police officers that were involved were required to debrief the situation as per policy. The proper reporting procedures were followed, with the appropriate reports being filed.

Allegation #1

1. Inappropriate use of force: The BCCLA allege that the police officer that struck Mr. GIRARD was using an inappropriate use of lethal force and that this was a serious breach of policy and conduct standards.

I cannot support the allegation.

Allegation #2

2. A lack of adherence to pursuit policy: The BCCLA make a complaint about the conduct of all unnamed officers involved in this pursuit and seeks a public report on the following as part of the investigation. Their main concern is that an unmarked police vehicle was involved in the pursuit, and may have been the primary pursuit vehicle. It was not.

As such, I cannot support the allegation.

Allegation #3


3. Inadequate pursuit policy: In this complaint the BCCLA make a complaint that concerns the lack of RCMP policy once a pursuit has ended, either because the vehicle has stopped or the vehicle occupant(s) have fled on foot. The seemingly excessive use of force in this incident leads the BCCLA to believe that Part 5.4 of the operations manual outlines a very clear chain of command designed to ensure proper oversight, but fails to address issues that arise after a vehicle pursuit has ended. The BCCLA requests the RCMP implement policy change to address this policy gap. Current policy met the needs of these circumstances and was followed, including follow up reporting, debriefing and review.

As such, I cannot support the allegation.

Pursuant to Section 45.4 of the RCMP Act, I am notifying you that the investigation into your complaint has now been concluded. If you are not satisfied with the manner in which your complaint has been addressed by the RCMP, you may request a review by the C.P.C. by corresponding with them at the following address:

Commission for Public Complaints against the RCMP
Bag Service 1722, Station B
Ottawa, Ontario
K1P 0B3
Tel: 1-800-267-6637
Fax: 1-613-952-8045

Yours truly,


(A.J. BODDEN) S/Sgt.
AOIC
Ridge Meadows RCMP Detachment