



Abbotsford Police Department

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"Protecting with Pride"

NEWS RELEASE

APD NEWS RELEASE:

APD FILE # 2009 – 10242

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Incident: APD Investigation of March 20, 2009 VPD Police-Involved Shooting

Abbotsford – December 15, 2009.

The following information was prepared by Inspector Len Goerke:

March 20th, 2009 1040 hours – Two Vancouver Police Department Constables were investigating the theft of property from a motor vehicle parked in the 600 Block of Granville Street. A witness described a Caucasian male fleeing the scene with a stolen black knapsack.

In their search for the suspect they observed a male, later determined to be Michael Vann HUBBARD, who appeared to be rummaging through a black knapsack in the 500 block of Homer Street. They approached the male, identified themselves as Vancouver Police Officers and indicated to Mr. HUBBARD that they were investigating a theft from an auto and began questioning him.

The Constables asked to see Mr. HUBBARD's black knapsack to determine if it was the one stolen from the vehicle, at which point Mr. HUBBARD became agitated. He was told that if he continued to be uncooperative he would be handcuffed.

At this point Mr. HUBBARD produced a utility knife with the blade extended, began swearing and screaming at the constables and advancing towards them. Mr. HUBBARD held the knife in his right hand, in front of his body. Witnesses indicate that he was telling the police officers to shoot him. Both constables drew their service pistols, started backing up and repeatedly directed Mr. HUBBARD to drop the knife. Mr. HUBBARD haltingly advanced on the constables as they backed up along the sidewalk on Homer Street.

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One shot was fired. The complete interaction with Mr. HUBBARD lasted approximately two minutes and forty seconds; the confrontation between the constables and Mr. HUBBARD, with Mr. HUBBARD brandishing the knife, lasted approximately one minute and forty seconds.

Eighty-two non-police witnesses observed all or part of the interaction and provided statements to investigators. Three of those 82 witness indicated that more than one shot was fired by police

79 witness accounts are overwhelmingly consistent with reports that Mr. HUBBARD was advancing towards the police officers with the edged weapon extended in front of him in a threatening manner and ignoring the officers' instructions. Witnesses state that:

- He was holding a knife in front of him pointed towards the police officers.
- He was waving the knife at the police.
- He was telling the police to shoot him.
- The police officers backed up as Mr. HUBBARD advanced towards them.
- The police officers repeatedly told Mr. HUBBARD to drop the knife or the weapon.
- The police officers repeatedly told Mr. HUBBARD to stop.
- Police fired one shot.

The event was captured on two video surveillance cameras. The video is consistent with statements provided by the involved police officers as well as with the overwhelming majority of witnesses.

Mr. HUBBARD was a citizen of the United States of America who arrived in Canada in February of 2008. He was the subject of an arrest warrant from Immigration Canada and unemployed and homeless at this time. Mr. Hubbard was suffering from chronic schizophrenia. Toxicology tests indicated no presence of medications commonly prescribed for schizophrenia.

The backpack found in Mr. HUBBARD's possession was not the stolen backpack the officers were trying to locate and Mr. HUBBARD was not involved in the theft from vehicle.

The videos show:

- In the minutes preceding police arrival, Mr. HUBBARD sitting on the bench or standing near the bench.
- Police stop their police car on Homer Street, exit the vehicle and approach Mr. HUBBARD who is standing in front of Belkin House.
- When police approach Mr. HUBBARD's back is to them.
- The police officers appear relaxed, walking slowly; one of the officers has her hands in her pockets.
- After approximately sixty seconds of conversation both police officers begin quickly retreating and reach for their side arms.
- Concurrently Mr. HUBBARD advances towards the retreating officers.
- The officers quickly withdraw backward several steps and confront Mr. HUBBARD with their firearms drawn.
- Mr. HUBBARD stops advancing.
- Mr. HUBBARD stands facing the officers with his legs greater than shoulder width apart. One police officer stands two to three metres away, off Mr. HUBBARD's left side. One police officer stands two to three metres away, off Mr. HUBBARD's right side.

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- Every few seconds Mr. HUBBARD takes a short step forward with either his left or right foot towards the officers. His right arm is extended at the elbow towards the officers.
- The video does not show Mr. HUBBARD's hands or if he is holding anything.
- Every time Mr. HUBBARD takes a step towards the police officers they take several steps backwards along the sidewalk away from the front door of Belkin House.
- Approximately sixty-two seconds after the confrontation begins the police officers wave at citizens behind Mr. HUBBARD to move away.
- Approximately one minute and fifty seconds after the confrontation begins Mr. HUBBARD takes several steps towards police and stops.
- Approximately two minutes and fourteen seconds after the confrontation begins Mr. HUBBARD looks over his left shoulder. At this time an individual is walking on Homer Street past him.
- Approximately two minutes and sixteen seconds after the confrontation begins Mr. HUBBARD raises his right arm so that it is parallel to the sidewalk and points it at one of the police officers.
- Mr. HUBBARD takes two small steps forward and stops, the police officers step back.
- Approximately two minutes and twenty seven seconds after the confrontation begins Mr. HUBBARD lowers his right arm from shoulder height to somewhere between his waist and chest. From the elbow forward the arm appears to be perpendicular to the sidewalk.
- Approximately two minutes and thirty two seconds after the confrontation begins Mr. HUBBARD starts walking towards the police officers.
- Mr. HUBBARD takes twelve steps at a normal walking pace towards the police officers before one of them fires one shot and Mr. HUBBARD falls.
- It is not possible to determine from the video exactly how far from the police officers Mr. HUBBARD is when the shot is fired; however, it appears, on estimation, to the writer to be approximately three metres.

The following are my conclusions:

The two police officers were in the lawful execution of their duty when they interacted with Mr. Hubbard.

The two police officers had reasonable grounds to believe that they were in immediate peril of grievous bodily harm or death.

The two police officers appropriately acted to defend themselves in a manner consistent with their training.

After considering the totality of the circumstances facing the two police officers, notwithstanding that there was a tragic outcome, the officers were justified in using force that was intended or likely to cause grievous bodily harm or death.

Therefore, I am not recommending Criminal Code charges. I am also forwarding the investigation report to C/Cst Cessford with my assessment that no Police Act defaults were committed.

Inspector Len Goerke
Officer in Charge Criminal Investigation Branch - Abbotsford Police Department

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