



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Security

Inspector R. Flewelling
Operations Officer
Kelowna Detachment
350 Doyle Ave., Kelowna, B. C. V1Y 6V7

Your File - Votre référence
PC-2008-0171
Our File - Notre référence
2009-5990

Mr. Ian McPhail - Office of the Chair
Commission for Public Complaints Against the RCMP
Bag Service 1722, Station B
Ottawa, Ont.
K1P 0B3

Date
May 3, 2010

Dear Mr. McPhail:

On January 21, 2008, the Chair of the Commission for Public Complaints Against the Royal Canadian Mounted Police lodged a complaint with the Commission regarding the conduct of the RCMP members of Vernon Detachment engaged in the apprehension and shooting death of Mr. Christopher Paul Klim on December 27, 2007. An investigation into the death of Mr. Christopher Klim was conducted by the South East District Major Crime Unit and lead by Sergeant Sam Ghaban.

This investigation had three overseers:

1. Mr. Larry Smith of the Commission for Public Complaints Against the Royal Canadian Mounted Police;
2. Detective Chris Mathews of the Major Crime Unit, Calgary Police Service;
3. Sergeant Peter Jadis of EDIV Investigative Standards Unit.

An Independent Officer Review was conducted by Inspector Dan Fudge (now retired).

I have had an opportunity to review, in its entirety, the investigation conducted by the investigators from the South East District Major Crime Unit and the evidence presented during the Coroner's Inquest. I am now able to comment on the concerns which you have raised.

Background Information

On December 18, 2007, Mr. Stephen Fitzpatrick, a Mental Health Worker with the Vernon Mental Health Unit, had the Director issue a Mental Health Warrant (Form 21) for his client, Mr. Christopher Paul Klim. Mr. Stephen Fitzpatrick's grounds for the warrant were based on Mr. Christopher Klim's ongoing refusal to take his anti-psychotic medication, delusions, recent self-inflicted wounds and his history of attempted suicide. Mr. Stephen Fitzpatrick believed Mr. Christopher Klim was a danger to himself and others, specifically Mr. Christopher Klim's grandparents, Mr. Harry Klim and Mrs. Shirley Davis-Klim of Vernon, BC.

On December 19, 2007 at 3:00 pm, Constable Charlie Burns and Constable Colin Curtis, both members of the Vernon RCMP Detachment, attended Mr. Christopher Klim's apartment situated at 102-3800 27th Avenue, Vernon, to execute the warrant. The members were unable to locate Mr. Christopher Klim that day. They obtained a key from the property manager and

entered the suite. They located some knives laying around inside the suite. This is believed to be the only attempt to apprehend Mr. Christopher Klim prior to December 27, 2007.

On December 27, 2007, Mr. Richard Jameson, a community support worker with Mental Health, returned a call to Mr. Harry Klim and Mrs. Shirley Davis-Klim, Christopher Klim's grandparents. They inquired as to the status of the Mental Health Act warrant for their grandson. Mr. Richard Jameson explained the efforts made by persons from his office and the police to execute the warrant. Mr. Christopher Klim's grandparents told Mr. Richard Jameson they had been to Mr. Christopher Klim's apartment on Christmas Day. They did not get out of their vehicle due to Mr. Christopher Klim's behaviour. Mrs. Shirley Davis-Klim observed cuts on his face in the shape of a cross. They gave Mr. Christopher Klim money for Christmas and then departed. Mr. Christopher Klim's grandparents had just received a telephone call from Mr. Christopher Klim, made from his apartment. They knew Mr. Christopher Klim was due for another injection of his medication for schizophrenia. Mr. Christopher Klim asked for money and they refused. Mr. Christopher Klim became belligerent and verbally aggressive.

Mr. Richard Jameson called the Vernon Detachment and spoke to Constable Andrew Forslund. Mr. Richard Jameson learned that Mr. Christopher Klim remained at large. Mr. Richard Jameson told Constable Andrew Forslund that he had just spoke with Mr. Harry Klim and Mrs. Shirley Davis-Klim, Mr. Christopher Klim's grandparents, and it appeared Mr. Christopher Klim's self harming behaviour was escalating and they were concerned. Mr. Richard Jameson was aware that Mr. Christopher Klim had a history of self harm (cutting) with recent injuries to his hands and neck. Mr. Richard Jameson told Constable Andrew Forslund that Mr. Christopher Klim was at his apartment.

Mr. Richard Jameson called the hospital and learned that Mr. Christopher Klim was a direct admit to psychiatry. Mr. Richard Jameson then called the Vernon Detachment and informed Constable Andrew Forslund that Mr. Christopher Klim was a direct admit. Constable Andrew Forslund informed Constable Mike Anderson, the acting Watch Commander, of the content of his conversation with Mr. Richard Jameson. Constable Mike Anderson gathered Constable Andrew Forslund, Constable Colin Curtis, Constable Kenneth Simpson, Constable Kurt Veller, Constable Amanda Garner and Constable Richard Drought, all of the Vernon Detachment, then held a short briefing and developed a strategy to apprehend and transport Mr. Christopher Klim to the hospital.

Inspector Steve McVarnock, the Officer in Charge of Vernon Detachment, was in the detachment on his day off. He overheard the members planning the arrest and gave some strategic advice during the briefing. Constable Andrew Forslund provided a history of police intervention with Mr. Christopher Klim. Constable Colin Curtis provided a sketch of the interior of Mr. Christopher Klim's apartment as he had been inside of the apartment on December 19, 2007.

Constable Colin Curtis secured a Conducted Energy Weapon from the equipment locker as Mr. Christopher Klim was known to fight with police. Constable Colin Curtis, Constable Kenneth Simpson, Constable Andrew Forslund, Constable Kurt Veller, Constable Amanda Garner, Constable Richard Drought and Inspector Steve McVarnock departed for Mr. Christopher Klim's residence.

At approximately 1:00 pm, the members arrived at Mr. Christopher Klim's apartment. Inspector Steve McVarnock was the only member not dressed in a RCMP working uniform, but in civilian attire. Constable Mike Anderson, the acting Watch Commander, remained at the detachment.

Constable Colin Curtis, Constable Kenneth Simpson, Constable Andrew Forslund, Constable Kurt Veller and Inspector Steve McVarnock positioned themselves just outside the door to Mr. Christopher Klim's apartment. Constable Amanda Garner and Constable Richard Drought were positioned outside the doors at the back of Mr. Christopher Klim's apartment maintaining visual of the patio door and bedroom window of the apartment.

Constable Mike Anderson was contacted and informed Constable Amanda Garner, Constable Richard Drought, Constable Colin Curtis, Constable Kenneth Simpson, Constable Andrew Forslund, Constable Kurt Veller and Inspector Steve McVarnock were in the designated positions. Constable Mike Anderson placed a telephone call to Mr. Christopher Klim's residence to talk Mr. Christopher Klim into exiting his apartment without incident, then to be transported to the Vernon Hospital. Constable Mike Anderson let the phone in Mr. Christopher Klim's residence ring but no one answered. The ringing of the telephone was heard by members at the apartment.

Since Mr. Christopher Klim did not answer the telephone Constable Colin Curtis knocked on the door. The concern was that Mr. Christopher Klim had harmed or was causing himself harm. At the direction of Inspector Steve McVarnock, Constable Kenneth Simpson used the purging tool to force open the apartment door. Constable Colin Curtis, Constable Kurt Veller, Constable Andrew Forslund and Constable Kenneth Simpson entered the apartment. Constable Kurt Veller announced them as, "Police." Constable Colin Curtis had the Conducted Energy Weapon drawn. Inspector Steve McVarnock remained in the hallway near the apartment door. Constable Richard Drought and Constable Amanda Garner maintained the outside perimeter of the apartment.

The members commenced to "clear" the apartment. The term "clear" refers to the physical search of a given structure, dwelling or area for person(s). During this process members are not only looking for persons, but also for items which could place the members' safety at risk; in this instance knives.

Constable Colin Curtis "cleared" the kitchen. Constable Colin Curtis proceeded from the kitchen to the dining room and called out to the others that the kitchen was "clear". He called out that the dining room was "clear", then proceeded to the livingroom. Constable Colin Curtis observed a knife lying on the coffee table in the livingroom. Constable Kenneth Simpson had joined up with him and the two of them noticed the telephone was ringing. Constable Colin Curtis and Constable Kenneth Simpson "cleared" the livingroom.

Constable Kurt Veller and Constable Andrew Forslund had "cleared" a large hallway closet and the bathroom. As he peered into the bedroom Constable Kurt Veller noticed Mr. Christopher Klim's feet on the bed. Constable Kurt Veller called out that Mr. Christopher Klim was in the bedroom. Mr. Christopher Klim sat up, at which time Constable Kurt Veller noticed a knife in Mr. Christopher Klim's hand. Mr. Christopher Klim stood up, which brought the second knife in his other hand into view. Constable Kurt Veller and Constable Andrew Forslund yelled out, "Show me your hands; drop the knife.", and, "...knife, knife, knife."

The repeated calling out of the knife is in accordance with their officer safety training to alert the other officers in the area that there is a threat to their personal safety.

Constable Colin Curtis noticed Constable Kurt Veller and Constable Andrew Forslund were in the bedroom. Constable Colin Curtis raised the Conducted Energy Weapon. Constable Colin Curtis was not able to get past Constable Kurt Veller and Constable Andrew Forslund so he

repositioned. Constable Colin Curtis took up a position behind the kitchen counter, then aimed the Conducted Energy Weapon at Mr. Christopher Klim. Mr. Christopher Klim was standing just inside the bedroom door but in view of Constable Colin Curtis. Constable Colin Curtis noted Mr. Christopher Klim had a large knife in his left hand and a second one in his right hand. Mr. Christopher Klim went into a bladed stance, also referred to as a 'fighting' stance, then moved toward the hallway.

The term 'fighting stance', also known as 'bladed stance', and occurs when a person has their feet shoulder width apart with one foot positioned to the front and the other foot to the rear, with their hands either open handed or closed fist. One hand or fist would be slightly extended out front between chest and chin height. The person's dominant hand or fist would be in a lower position closer to their body. This stance affords stability and faster ability to attack or defend.

Constable Kurt Veller repositioned to the livingroom hallway where he had a clear view of the bedroom door. Constable Andrew Forslund repositioned and took up a position behind the wall at the kitchen entrance then moved to position himself beside Constable Colin Curtis.

Constable Colin Curtis yelled at Mr. Christopher Klim to drop the knife, that they were there to help. Mr. Christopher Klim told the officer to, "Fuck off.", he did not want their help and would not go back to the hospital. Constable Colin Curtis was being covered by Constable Kurt Veller and Constable Andrew Forslund, who had their service pistols drawn and who maintained 'lethal overwatch' on Constable Colin Curtis.

'Lethal overwatch' is a term given to a second person who is providing back-up to the primary person. In situations where the threat level is high and lethal force may have to be used, this second person is prepared to use lethal force because the first person is not in a position to exercise lethal force.

Constable Colin Curtis focussed the Conducted Energy Weapon's laser sight on Mr. Christopher Klim's 'centre of mass', a term used in reference to a person's chest and upper abdomen area.

Despite the orders to drop the knives, Mr. Christopher Klim refused and appeared to be proceeding toward Constable Colin Curtis, Constable Kenneth Simpson, Constable Andrew Forslund, Constable Kurt Veller and Inspector Steve McVarnock. Constable Colin Curtis discharged the Conducted Energy Weapon. Constable Colin Curtis saw one probe hit Mr. Christopher Klim in the upper chest area, but he did not see where the other probe hit. The Conducted Energy Weapon was 'cycled' (activated). Mr. Christopher Klim retreated back to his bedroom, where he fell on a chair and then onto his bed.

The Conducted Energy Weapon did not have the desired effect on Mr. Christopher Klim, in that it did not disable Mr. Christopher Klim for a sufficient period that the police officers could enter the bedroom and apprehend Mr. Christopher Klim. It was noticed later that the lower probe got hung up in Mr. Christopher Klim's clothing.

Mr. Christopher Klim emerged from the bedroom with a knife still in each hand. Constable Colin Curtis was within eight (8) feet so he cycled the Conducted Energy Weapon a second time. Mr. Christopher Klim appeared angry and agitated, and yelled at the members to get out of his house. Mr. Christopher Klim grabbed at the Conducted Energy Weapon prong in his chest. The members continued to yell for Mr. Christopher Klim to drop the knife. Constable Colin Curtis repositioned in the livingroom to discharge the spent cartridge from the Conducted

Energy Weapon and insert a new cartridge. Mr. Christopher Klim pursued Constable Andrew Forslund and Constable Kurt Veller, who retreated and tactically repositioned in the kitchen. Mr. Christopher Klim was making a slashing motion with the knife at Constable Andrew Forslund. In his effort to retreat, Constable Andrew Forslund stumbled and fell to the kitchen floor.

Fearing for the safety of Constable Andrew Forslund and himself, Constable Kurt Veller fired one shot from his service pistol at Mr. Christopher Klim. Almost at the exact moment, Constable Andrew Forslund, also fearing grievous bodily harm or death to himself, fired one shot from his service pistol at Mr. Christopher Klim. The two shots hit Mr. Christopher Klim and lodged in his chest. A third shot was heard moments after the second shot. It was later identified as a second shot fired by Constable Kurt Veller, and was recovered from the kitchen wall.

Mr. Christopher Klim stumbled out of the kitchen and fell to the floor in the hallway. Constable Andrew Forslund immediately broadcast over the police radio that shots were fired and a man was down. Members requested Emergency Health Services ("EHS") to be dispatched immediately and Constable Richard Drought and Constable Colin Curtis began to give Mr. Christopher Klim First Aid and CPR.

EHS attendants Samara Den-Breeden and Kathleen Elliman arrived on scene at 1:21 pm and transported Mr. Christopher Klim to the Vernon Jubilee Hospital. Advanced lifesaving measures were initiated but Mr. Christopher Klim died. Mr. Christopher Klim was pronounced dead by Doctor J. Croft on December 27, 2007, at 1:55 pm. The Coroner subsequently changed the time of death to 1:10 pm, which coincided with the time EHS received the call for assistance.

Corporal Mark Taylor of Vernon Detachment attended the scene and seized the firearms from Constable Kurt Veller and Constable Andrew Forslund. Members from Vernon General Investigation Section attended and secured the scene for Major Crime Unit investigators.

The police officers involved in the incident were taken to the Vernon Detachment where they consulted with a Member Employee Assistance Program representative, the DSSR (Division Representative) and legal counsel.

On December 27, 2007, investigators from the Southeast District Major Crime Unit were dispatched to the shooting and assumed responsibility for the investigation, as per policy. Members from the Office of Investigative Standards and Practices, Mr. Larry SMITH from the Commission for Public Complaints against the RCMP ("CPC"), and Detective Chris Mathews from the Calgary Police Service were involved at the outset to monitor the impartiality and integrity of the investigation.

Summary of Complaints

On January 18, 2008, Deputy Commissioner Garry Bass received correspondence from the Chair of the Commission for Public Complaints Against the Royal Canadian Mounted Police. The correspondence stated the complaint was initiated by the Office of the Chair of the Commission for Public Complaints Against the Royal Canadian Mounted Police.

In the correspondence dated January 21, 2008, the Chair of the Commission noted that the Commission for Public Complaints Independent Observer Program was engaged at the onset

of the investigation to assess the impartiality of the RCMP members assigned to investigate this incident and would continue to monitor their activities.

- Allegation #1)** Whether the RCMP officers involved in the events of December 27, 2007, from the moment of individual deployment until Mr. Klim's death, complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to persons being apprehended under the Mental Health Act and taken into custody;
- Allegation #2)** Whether the RCMP officers involved in the events of December 27, 2007, from the moment of individual deployment until Mr. Klim's death, complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to the use of force;
- Allegation #3)** Whether the RCMP officers involved in the events of December 27, 2007, from the moment of individual deployment until Mr. Klim's death, complied with all appropriate training, policies, procedures, guidelines relating to persons in a state of mental health crisis, and / or being apprehended under mental health legislation are adequate; and
- Allegation #4)** Whether the RCMP officers involved in the events of December 27, 2007, from the moment of individual deployment until Mr. Klim's death, complied with all appropriate training, policies, procedures, guidelines and statutory requirements for the conduct of such investigation and whether such policies, procedures and guidelines are adequate, and further, whether such investigation was carried out in an adequate and timely fashion.

Findings of the Investigation

A complete and thorough investigation into the death of Mr. Christopher Klim was completed by the South East District Major Crime Unit with impartial observers from the Office of Investigative Standards and Practices; the Commission for Public Complaints against the RCMP and the Calgary Police Service. The circumstances of what took place when Vernon Detachment members last dealt with Mr. Christopher Klim were taken from notes, statements and reports contained in the investigation completed by members of the Vernon Detachment and South East District Major Crime Unit. All of these materials and the transcripts of the evidence presented during the Inquest held by the Coroner Service of British Columbia were reviewed during this investigation.

After deliberations on November 14, 2008, at Vernon, B. C., the Coroner's Jury delivered their verdict in the death of Mr. Christopher Klim; categorizing his death as a homicide.

The jury made six recommendations to the Minister of Health and Provincial Health Regions. The jury submitted the following recommendation to the Minister of the Solicitor General:

"That a minimum standard operational and case management policy be developed for all city, municipal and RCMP officers in the province of British Columbia regarding the apprehension of patients and / or clients with mental illness history relative to the following:

- i) Execution of Mental Health Warrants,
- ii) Requests for apprehension or assistance to locate missing patients and / or clients with mental illness history from hospital settings or otherwise,
- iii) More knowledge or training for managing mental health patients."

No direct recommendations were made to the Commanding Officer of the Royal Canadian Mounted Police in British Columbia; nor to the Officer in Charge of the Vernon Detachment or to any of the officers of the Vernon Detachment.

At the termination of the aforementioned processes no criminal liability was identified.

Investigation and Conclusion

There is an overlap as to the information sought and research of the four allegations made by the Chair of the Commission for Public Complaints Against the Royal Canadian Mounted Police. In such cases, I have identified that the information has been provided earlier in this letter. Due to the volume of material to accompany this letter, those materials have been saved onto a compact disc, attached. These materials include, but are not limited to: statements provided by police officers; diagrams made by the officers; photographs of Mr. Christopher Klim's apartment; training summaries for each of the officers who attended the residence of Mr. Christopher Klim on December 27, 2007; copies of relevant policy; copies of relevant statutes, and the verdict at the Coroner's Inquest. I am satisfied that the need to apprehend Mr. Christopher Klim was lawful and justified.

Allegation #1:

From the moment of individual deployment until Mr. Christopher Klim's death, the members of the Vernon Detachment of the RCMP complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to persons being apprehended under the Mental Health Act and taken into custody. The response to the allegation is broken down into specific areas; training, policy, statutes, and supporting information.

In the Province of British Columbia first response where violence is known or anticipated is left to the police. Other responding agencies such as paramedics, fire department, home care nurses and mental health workers will not enter residences or areas in these situations until the police have the person(s) under control and the threat to the other responders is believed to be eliminated.

Allegation one directs determination as to whether the RCMP officers involved in the events of December 27, 2007, from the moment of individual deployment until Mr. Christopher Klim's death, complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to persons being apprehended under the Mental Health Act and taken into custody.

I am satisfied that the need to apprehend Mr. Christopher Klim was lawful and justified.

TRAINING

In order to address training, several aspects had to be examined. The first aspect is the date when the individual attended the National Training Center referred to as Depot Division in Regina, Saskatchewan. The training curriculum and programs are modified or changed to adhere to changes in legislation, technology, best practices and risk assessment. The training provided to members in Regina is basic training and augmented by a six month field training

program. The six month field training program had been implemented prior to 1978. All of the members who attended Mr. Christopher Klim's apartment on December 27, 2007, had commenced their basic training in Regina after 1978.

Inspector Steve McVarnock

Inspector Steve McVarnock was the senior member both in rank and service to attend Mr. Christopher Klim's apartment. Inspector Steve McVarnock completed his basic training in December of 1981. Courses relative to the events of December 27, 2007, in which Inspector McVarnock had completed are:

- | | | |
|---|--|------|
| ● | Emergency Response Team | 1989 |
| ● | Public and Police Safety Instructor | 2002 |
| ● | Conducted Energy Weapon User | 2004 |
| ● | National Incident Commanders | 2005 |
| ● | Baton / Carotid Control / Oleoresin Capsicum Spray | 2005 |
| ● | Conducted Energy Weapon Re-Certification | 2006 |

Emergency Response Team training, Public and Police Safety Instructor Training, and National Incident Commanders courses provide training on dealing with situations where public and officer safety are at risk. The training places the emphasis on non-violent apprehension of the subject.

The Conducted Energy Weapon User and re-certification training provides the officer with training on dealing with persons suffering from excited delirium.

The baton / carotid control / Oleoresin Capsicum Spray training provides training of the effects of Oleoresin Capsicum Spray, its ineffectiveness on goal-oriented persons, including those under the influence of an intoxicant or suffering from a mental disorder. The Oleoresin Capsicum Spray training identifies locations and situations where the use of Oleoresin Capsicum Spray could contaminate the responding member(s).

Public and Police Safety Officer Instructor is for officers who are trained to instruct the Incident Management Intervention Model. This provides response training based on the subject(s) behaviour, situational factors, officer perception and tactical considerations. The objective of this training is to preserve and protect life, preserve public safety, and officer safety.

Constable Richard Drought

Constable Richard Drought was senior in service of the Constables to attend Mr. Christopher Klim's apartment. Constable Richard Drought completed his basic training in May of 1997. Courses relative to the events of December 27, 2007, in which Constable Richard Drought had completed are:

- | | |
|--|------|
| Baton / Carotid Control / Oleoresin Capsicum Spray | 2005 |
| Operational Skills Training | 2007 |
| Datamaster Certification | 2002 |
| Alcometer S-L2 Operator | 1998 |

The Oleoresin Capsicum Spray training provides training of the effects of Oleoresin Capsicum Spray, its ineffectiveness on goal-oriented persons, including those under the influence of an intoxicant or suffering from a mental disorder. The Oleoresin Capsicum Spray training identifies locations and situations where the use of Oleoresin Capsicum Spray could contaminate the

responding member(s).

Operational Skills Training is held every three years and is re-certification in firearms; baton / carotid control / Oleoresin Capsicum Spray; and the Incident Management Intervention Model.

Datamaster Certification training provides training on the effects of intoxicants, more specifically alcohol. As the operation of the instrument requires participation of a test subject who is suspected of being impaired, the training includes verbal articulation to the suspected impaired person.

Alcometer S-L2 Operator training provides training on the effects of alcohol. As the operation of the instrument requires participation of a test subject who is suspected of having consumed alcohol. The training includes verbal articulation.

Constable Mike Anderson

Constable Mike Anderson was the Watch Commander on duty but did not attend Mr. Christopher Klim's apartment. Constable Mike Anderson lead the debriefing held at the Vernon Detachment prior to the members attending Mr. Christopher Klim's apartment on December 27, 2007. Constable Mike Anderson completed his basic training in April of 2001. A course relative to the events of December 27, 2007, in which Constable Mike Anderson had completed was:

- Conducted Energy Weapon User 2003

The Conducted Energy Weapon User training provides the officer with training on dealing with persons suffering from excited delirium.

Constable Kurt Veller

Constable Kurt Veller was one of the Constables to attend Mr. Christopher Klim's apartment. Constable Kurt Veller completed his basic training in June of 2003. Constable Kurt Veller attended Depot Division in 2003, had Oleoresin Capsicum Spray training and the Incident Management Intervention Model training as part of his graduation requirement.

The Oleoresin Capsicum Spray training addresses its ineffectiveness on goal-oriented persons including those under the influence of an intoxicant or suffering from a mental disorder. The Oleoresin Capsicum Spray training identifies locations and situations where the use of Oleoresin Capsicum Spray could contaminate the responding member(s).

The Incident Management Intervention Model training provides training to response based on subject's behaviour, situational factors, officer perception and tactical considerations. The objective of this training is to preserve and protect life, preserve public safety, and officer safety. Courses relative to the events of December 27, 2007, in which Constable Kurt Veller had completed are:

- Conducted Energy Weapon User 2003
- Datamaster Certification 2006
- Operational Skills Training 2007

The Conducted Energy Weapon User training provides the officer with training for dealing with persons suffering from excited delirium.

Datamaster Certification training provides training on the effects of intoxicants, more specifically

alcohol. As the operation of the instrument requires participation, the test subject who is suspected of being impaired, the training includes verbal articulation to the suspected impaired person.

Operational Skills Training is held every three years and is re-certification in firearms; baton / carotid control / Oleoresin Capsicum Spray; and the Incident Management Intervention Model.

Constable Kenneth Simpson

Constable Kenneth Simpson was one of the Constables to attend Mr. Christopher Klim's apartment. Constable Kenneth Simpson completed his basic training in August of 2005. Constable Kenneth Simpson attended Depot Division in Regina, Saskatchewan, in 2005, and had Oleoresin Capsicum Spray training and the Incident Management Intervention Model training as part of his graduation requirement.

The Oleoresin Capsicum Spray training addresses its ineffectiveness on goal-oriented persons, including those under the influence of an intoxicant or suffering from a mental disorder. The Oleoresin Capsicum Spray training identifies locations and situations where the use of Oleoresin Capsicum Spray could contaminate the responding member(s).

The Incident Management Intervention Model training provides training to response based on subject's behaviour, situational factors, officer perception and tactical considerations. The objective of this training is to preserve and protect life, preserve public safety, and officer safety.

Constable Amanda Garner

Constable Amanda Garner was one of the Constables to attend Mr. Christopher Klim's apartment. Constable Amanda Garner completed her basic training in August of 2003. While attending Depot Division in Regina, Saskatchewan, in 2003, Constable Amanda Garner had Oleoresin Capsicum Spray training and the Incident Management Intervention Model training as part of her graduation requirement.

The Oleoresin Capsicum Spray training addresses its ineffectiveness on goal-oriented persons, including those under the influence of an intoxicant or suffering from a mental disorder. The Oleoresin Capsicum Spray training identifies locations and situations where the use of Oleoresin Capsicum Spray could contaminate the responding member(s).

The Incident Management Intervention Model training provides training on response based on subject's behaviour, situational factors, officer perception and tactical considerations. The objective of this training is to preserve and protect life, preserve public safety, and officer safety. Courses relative to the events of December 27, 2007, in which Constable Amanda Garner had completed are:

- Conducted Energy Weapon User 2004
- Standardized Field Sobriety 2004
- Operational Skills Training 2007

The Conducted Energy Weapon User training provides the officer with training on dealing with persons suffering from excited delirium.

Standard Field Sobriety training provides the officer with training on detection through observation of intoxication based on physical skill testing.

Operational Skills Training is held every three years and is re-certification in firearms; baton / carotid control / Oleoresin Capsicum Spray; and the Incident Management Intervention Model.

Constable Colin Curtis

Constable Colin Curtis was one of the Constables to attend Mr. Christopher Klim's apartment. Constable Colin Curtis completed his basic training in February of 2006. While attending Depot Division in Regina, Saskatchewan, in 2006, Constable Colin Curtis had Oleoresin Capsicum Spray training and the Incident Management Intervention Model training as part of his graduation requirement.

The Oleoresin Capsicum Spray training addressed its ineffectiveness on goal-oriented persons including those under the influence of an intoxicant or suffering from a mental disorder. The Oleoresin Capsicum Spray training identifies locations and situations where the use of Oleoresin Capsicum Spray could contaminate the responding member(s).

The Incident Management Intervention Model training provides training to response based on subject's behaviour, situational factors, officer perception and tactical considerations. The objective of this training is to preserve and protect life, preserve public safety, and officer safety. Courses relative to the events of December 27, 2007, in which Constable Colin Curtis had completed was:

- Conducted Energy Weapon User 2007

The Conducted Energy Weapon User training provides the officer with training on dealing with persons suffering from excited delirium.

Constable Andrew Forslund

Constable Andrew Forslund was one of the Constables to attend Mr. Christopher Klim's apartment. Constable Andrew Forslund completed his basic training in October of 2007. While attending Depot Division in Regina, Saskatchewan, in 2007, Constable Andrew Forslund had Oleoresin Capsicum Spray training and the Incident Management Intervention Model training as part of his graduation requirement.

The Oleoresin Capsicum Spray training addresses its ineffectiveness on goal-oriented persons including those under the influence of an intoxicant or suffering from a mental disorder. The Oleoresin Capsicum Spray training identifies locations and situations where the use of Oleoresin Capsicum Spray could contaminate the responding member(s).

The Incident Management Intervention Model training provides training on response based on subject's behaviour, situational factors, officer perception and tactical considerations. The objective of this training is to preserve and protect life, preserve public safety, and officer safety.

Each member who attended Mr. Christopher Klim's residence on December 27, 2007, used the training afforded them with the Incident Management Intervention Model. As reported in their statements and evidence to the Coroner Jury, a briefing was held prior to attending Mr. Christopher Klim's residence. Tactical considerations were reviewed during the briefing. Constable Colin Curtis had been in the apartment within the previous two weeks and drew a floor plan so that each member had an understanding of the physical environment they were entering. Specific duties were identified; Constable Colin Curtis was to have the taser and Constable Kenneth Simpson was to have the purging tool. Constable Mike Anderson, who ran the briefing, ensured all personnel who were attending Mr. Christopher Klim's residence were

aware of the warrant issued in accordance with the Mental Health Act; the content of the telephone call from Mr. Christopher Klim's mental health case worker, and of Mr. Christopher Klim's history of self harm and violence toward police.

The initial response was to call the residence and talk to Mr. Christopher Klim to have him walk out of the apartment to minimize risk to all persons. The call was made when the officers were in place outside of Mr. Christopher Klim's apartment, but Mr. Christopher Klim chose not to answer. An officer then knocked on the door but Mr. Christopher Klim did not respond.

The concern came for Mr. Christopher Klim's personal wellness based on the telephone conversation with the mental health worker.

The door lock was purged and Constable Colin Curtis lead the way into the apartment. Constable Kurt Veller located Mr. Christopher Klim in the bedroom with a knife in each hand. Constable Kurt Veller immediately utilized his training in two facets; he immediately alerted his colleagues to the fact that Mr. Christopher Klim was armed by calling out 'knife' repeatedly, and he immediately repositioned, creating distance between himself and Mr. Christopher Klim. He located a position of cover in accordance with his training.

When alerted to the threat by Constable Kurt Veller, Constable Colin Curtis, Constable Andrew Forslund and Constable Kenneth Simpson repositioned and took cover. Based on his training at this point Constable Colin Curtis used the lowest level of force available when dealing with an armed person, and deployed the taser. The taser was cycled but had minimal effect on Mr. Christopher Klim who then charged out of the bedroom.

Constable Colin Curtis repositioned to create space and provide cover. He was in the process of loading a second cartridge onto the taser. Constable Kurt Veller and Constable Kenneth Simpson had repositioned. Constable Andrew Forslund was in the process of repositioning to increase the distance between himself and Mr. Christopher Klim when he fell backwards to the floor.

When Constable Kurt Veller observed Mr. Christopher Klim bring the knives in a downward motion toward Constable Andrew Forslund he formed the opinion that Mr. Christopher Klim was going to cause death or grievous bodily harm to Constable Andrew Forslund. Constable Kurt Veller used his training and discharged his service pistol at Mr. Christopher Klim. Constable Andrew Forslund, who was on his back and feared grievous bodily harm or death by Mr. Christopher Klim, also discharged his service pistol.

POLICY

Within the Royal Canadian Mounted Police is written. The allegations have sought procedures and guidelines within the Royal Canadian Mounted Police. The Administration Manual provides insight as to term reference and response.

Procedure is commonly referred to within the RCMP environment as the action outlined in policy. Guidelines can be a reference to policy or verbal-based on best practices and / or risk assessment. Risk Assessment means an evaluation of the effectiveness of existing or proposed security measures that is based on the likelihood of a threatening incident (natural or man-made) taking place.

The primary objective in any intervention is public safety, which includes the subject person or persons of the intervention. The safety of the public depends on police officer safety. The

apprehension of Mr. Christopher Klim required the attending police officers to be prepared to use force as Mr. Christopher Klim was known to have weapons throughout his residence and on December 27, 2007, reported to have weapons in his possession.

Operations Manual

On December 27, 2007, within the Royal Canadian Mounted Police Part 3 Chapter 7 of the Operations Manual provides guidance to the member on Mentally Ill Persons and Prisoners. This particular portion of then Part 3 of the Operations Manual has since been moved to Part 19. Two areas in policy require examination in situations such as Mr. Christopher Klim:

- involuntary admission where a warrant had been issued; and
- emergency admission the observations of self harming.

Involuntary Admissions are addressed in Chapter 7 in two separate categories; those not in custody (Section 4.1) and those in custody (Section 4.2).

In Section 4.1, Involuntary Admissions can be arranged through the following methods:

1. A "Medical Certificate" provides authority for anyone to apprehend and transport the person named to a designated facility.
2. Emergency Police Intervention under Section 28(1) MHA; and
3. Warrant generated by a Justice under Section 28(3) MHA authorizing police to apprehend a person.

In this particular incident a Director's Warrant was in existence.

This chapter tells investigators that criminal "Feeney Warrants" are not required for Provincial Mental Health Act warrant execution and apprehensions. On December 27, 2007, the members of the Vernon Detachment were executing a warrant issued under the Mental Health Act for the apprehension of Mr. Christopher Klim.

In Section 4.2, a police officer may apprehend and immediately take a person to a physician for examination if satisfied from personal observations; or information received, that the person:

1. Is acting in a manner likely to endanger that person's safety or others; and
2. Is apparently a person with a mental disorder.

In this incident information had been received from Mental Health Worker Mr. Richard Jameson that Mr. Christopher Klim was acting in a manner likely to endanger himself.

Section 7 of the policy directs the Commander to liaise regularly with the BC Ambulance Service, BC Sheriff Services and the medical community to address issues of mutual concern and prepare Unit Supplements reflecting and establishing protocols. This would include but not be limited to:

- Hospital admission policy;
- Requests for police assistance at the hospital to keep the peace, versus requests for police assistance in restraining patients refusing to take their prescribed medication;
- Escort, transport and monitoring of mentally disturbed persons; including young persons; and
- Use the Guide to the Mental Health Act as a reference for Unit Supplements, as required.
- Ensure that either a hard copy or electronic copy of the Guide to the Mental Health Act is available to members under your command.

Vernon Detachment Unit Level Supplements

Unit Level Supplements are policies drafted by the Detachment Commander to address local dynamics.

Part A of the Vernon Detachment Unit Level Supplement states 'this chapter deals with the handling of prisoners and mental patients'.

Part B of the Vernon Detachment Unit Level Supplement references:

1. OPS Manual III.3 - Prisoners and Mentally Disturbed Persons
2. OPS Manual III.2 - Arrest
3. Criminal Code - Part XVI

Part G Section 1 of the Vernon Detachment Unit Level Supplements specifically addresses Prisoners and Mentally Disturbed Persons.

- a) OPS Manual III.3.E.2 applies
- b) Mental patients are to be kept separate from other prisoners in a monitored cell. If separate accommodation does not exist because of prisoner volume, consult with the Watch Commander before selecting shared cell arrangements.
- c) Primary consideration must be to protect the patient from harming themselves or other persons. Violent or suicidal patients should be held in the security tank if possible. In extreme cases, the shower room.
- d) Persons apprehended under the provisions of the Mental Health Act are to be transported to an established psychiatric facility at the earliest possible opportunity. Mental Health Form will be completed and delivered to the attending physician at the time of escort.
- e) If restraint is necessary, use a straight jacket or restraining belt.
- f) If the person is extremely violent, strap him/her to a stretcher.
- g) If necessary, have a physician sedate the person.
- h) When assisting hospital staff, "1st" first floor (a psychiatric ward) to restrain a violent patient, unload your firearm prior to attending as per OPS Manual III.3.E.2.B, unless the circumstances are exceptional.

On December 27, 2007, the members of the Vernon Detachment of the RCMP complied with all appropriate policies and procedures relating to persons being apprehended under the Mental Health Act and taken into custody. All the members followed the policies of the day as they pertained to involuntary apprehension under the Mental Health Act of British Columbia.

They identified at the briefing that the sole purpose of their attendance to Mr. Christopher Klim's apartment was to apprehend him under the provisions of the Mental Health Act and transport him directly to Jubilee Hospital in Vernon. The officers confirmed that immediate admission provisions were in effect for when Mr. Christopher Klim was to arrive at the hospital.

STATUTE

Mental Health Act

Under Section 39 (3) of the Mental Health Act the Director of a designated facility who recalls a patient under subsection (2), or to which a patient is recalled under subsection (2) as a result of a transfer under Section 35, may issue a warrant in the prescribed form for the patient's apprehension and transportation to the designated facility to which the patient is recalled.

In this instance the Director of the facility, Russ Ballance, issued a Form 21 Mental Health Act Director's Warrant for "Chris Klim" on December 17, 2007.

Section 28 (1) of the Mental Health Act states a police officer or constable may apprehend and immediately take a person to a physician of examination if satisfied from personal observations, or information received, that the person;

- is acting in a manner likely to endanger that person's own safety or the safety of others,
- and is apparently a person with a mental disorder.

Criminal Code

Under Section 25 (1) of the Criminal Code a peace officer acting on reasonable grounds is authorized to use as much force as is necessary in the enforcement of the law or when authorized by law.

Under Section 25 (3) a police officer can use force that is intended to or likely to cause death or bodily harm when the peace officer believes on reasonable grounds that it is necessary for their self-preservation or the preservation of anyone under their protection.

Under Section 25 (4) a peace officer is justified in using force intended to or likely to cause death or grievous bodily harm to a person to be arrested; if proceeding lawfully to arrest the person with or without a warrant; for an offence for which a person can be arrested without a warrant; and a person to be arrested avoids arrest.

Under Section 26 everyone who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.

Under Section 27 everyone is justified in using as much force as is reasonably necessary to prevent the commission of an offence for which the person can be arrested without warrant; and would likely cause immediate and serious injury to a person or property of anyone; or to prevent such act from being committed.

Evidence and Statements

Constable Andrew Forslund, in his statement and in his sworn evidence given during the Coroner's Inquest, in part, disclosed that he was the person who answered the phone when Richard Jameson, a mental health worker called to confirm Vernon Detachment held a Mental Health Warrant for Mr. Christopher Klim. Mr. Richard Jameson told Constable Andrew Forslund that he just spoke with Mr. Christopher Klim's grandparents who told him that Mr. Christopher Klim was at his apartment. Mr. Richard Jameson expressed his and the concerns of Mr. Christopher Klim's grandparents that his self harm or violence was escalating. The reason for this concern was Mr. Christopher Klim had been cutting his face and neck and was suicidal. Constable Andrew Forslund went to the Watch Commander, Constable Mike Anderson. A group of available members were assembled for a briefing. Constable Colin Curtis, Constable Kurt Veller, Constable Amanda Garner, Constable Andrew Forslund, Constable Richard Drought and Constable Mike Anderson held a briefing. Since Constable Colin Curtis had been in the apartment on December 19, 2007, he provided a diagram of the layout of the apartment. Inspector Steve McVarnock happened upon the briefing. He confirmed that all use of force options were available and that Constable Colin Curtis had a Conducted Energy Weapon with him. Constable Mike Anderson ensured everyone knew Mr. Christopher Klim's intervention history with the police. At the apartment Constable Richard Drought and Constable Amanda Garner stayed outside. As the others approached the front door of the apartment an older couple let them in. The man said he had not seen Mr. Christopher Klim in a while. Constable Kurt Veller, Constable Kenneth Simpson, Inspector Steve McVarnock, Constable Colin Curtis and Constable Andrew Forslund entered the apartment building. Constable Andrew Forslund could hear the phone ringing but no one

answered. They agreed Constable Colin Curtis would go in first, followed by Constable Andrew Forslund, Constable Kurt Veller and then Constable Kenneth Simpson. Constable Andrew Forslund confirmed with Inspector Steve McVarnock that Mr. Christopher Klim's grandparents said they had just spoken to him and he was in the apartment. Inspector Steve McVarnock gave a nod, then Constable Kenneth Simpson smashed the door in. Constable Andrew Forslund "cleared" the closet to make sure there was no one in there. Constable Andrew Forslund heard someone say he was in the bedroom and had knives. Constable Andrew Forslund backed up to the kitchen entrance and used the wall from the kitchen entrance for cover as he saw Mr. Christopher Klim in the bedroom with two knives in his hands. Constable Forslund described Mr. Christopher Klim as angry and his body 'bladed'. They yelled at him to put the knives down and get down on the ground. Mr. Christopher Klim walked behind a wall. Constable Forslund stated he was scared, that he thought Mr. Christopher Klim was going to 'grab a gun or something'. Constable Forslund was very uncomfortable as he could not see Mr. Christopher Klim. He observed Mr. Christopher Klim back away from the bedroom doorway a little bit with the knives in his hands. Constable Colin Curtis went into the hallway with the taser up and the red dot (an assisted aiming function) on Mr. Christopher Klim's chest. Constable Andrew Forslund had his gun pointed at Mr. Christopher Klim. He was Constable Colin Curtis' over watch, as this was the way they were taught in training; if one person has the taser then the other person has their pistol out in case the taser fails. They were telling Mr. Christopher Klim to calm down and to drop the knives. Constable Andrew Forslund could see and hear Inspector McVarnock telling Mr. Christopher Klim, "Calm down, we're here to help you." Constable Colin Curtis deployed the taser. Constable Andrew Forslund explained you want to subdue a person while they are being tasered. They started to move forward and observed Mr. Christopher Klim bring the knives up to about shoulder height, then charged out of the bedroom. Constable Andrew Forslund backed up as fast as he could into the kitchen. When Mr. Christopher Klim entered the kitchen Constable Andrew Forslund fell onto his back. He heard one gunshot and saw Mr. Christopher Klim still moving toward him so he fired one shot. Constable Andrew Forslund saw Mr. Christopher Klim turn and exited the kitchen. Constable Andrew Forslund went out from the kitchen into the hallway where he saw Mr. Christopher Klim lying on the floor. Constable Richard Drought came in and rendered first aid.

Constable Colin Curtis, in his statement and in his sworn evidence given during the Coroner's Inquest, in part, disclosed that he entered Mr. Christopher Klim's apartment with Constable Kurt Veller, Constable Andrew Forslund and Constable Kenneth Simpson, and then Inspector Steve McVarnock. Mr. Christopher Klim was standing in the bedroom with two big knives. They yelled, "Drop the knives, we're here to help you." Mr. Christopher Klim told them to, "Fuck off, go away, I don't wanna go to the hospital. I'm not going with you guys." Constable Colin Curtis yelled, "Christopher, we're here to help you, take you to the hospital, calm down." Mr. Christopher Klim dropped his right foot back which made Constable Colin Curtis think he was going to charge or make a stand. Constable Kenneth Simpson called out that Mr. Christopher Klim had three knives. Constable Colin Curtis deployed the taser and saw the top prong hit Mr. Christopher Klim but did not see where the bottom one went. Mr. Christopher Klim went back into the bedroom. Constable Colin Curtis then went charging into the bedroom and observed Mr. Christopher Klim back on his feet with two knives in his hands. The taser didn't work and Mr. Christopher Klim was angry. Constable Colin Curtis felt someone grab his jacket and belt and pull him out from the bedroom. Constable Colin Curtis removed his gun from his holster and backed into the livingroom. Constable Colin Curtis was getting a second cartridge ready for the taser when Mr. Christopher Klim came out of the bedroom and ran right in front of him. Constable Colin Curtis holstered his pistol and then switched taser cartridges. Constable Colin Curtis heard yelling and screaming coming from the kitchen. Constable Colin Curtis heard 'bang, bang'. Someone yelled, "Andrew has he been stabbed, check Andrew, check Andrew."

Constable Kenneth Simpson, in his statement and in his sworn evidence given during the Coroner's Inquest, in part, disclosed that they entered the building; Inspector Steve McVarnock, Constable Colin Curtis, Constable Andrew Forslund, Constable Kurt Veller and himself. He heard the phone ringing. He looked over to Inspector Steve McVarnock then hit the door three (3) times and forced it open. They announced, "Police, police, police." Constable Kurt Veller said, "He's in the bedroom and he's got knives." Constable Kenneth Simpson backed up behind the half wall in the kitchen for "cover" and drew his pistol. Constable Kenneth Simpson saw that Mr. Christopher Klim had two (2) knives and was moving toward the bedroom door. Constable Colin Curtis had the taser out so Constable Kenneth Simpson assumed the role of lethal "cover" if necessary. Constable Colin Curtis, Constable Andrew Forslund and Inspector Steve McVarnock all told Mr. Christopher Klim to, "Drop the knife, come with us, it's gonna be okay sir." Mr. Christopher Klim yelled, "Leave me alone, I'm not going with you, get out of here." Mr. Christopher Klim still had two (2) knives. Constable Colin Curtis fired the taser and hit Mr. Christopher Klim. They moved forward to quickly take control of the situation when Constable Kenneth Simpson observed Mr. Christopher Klim coming out of his bedroom with two (2) knives in his hands. The taser clearly didn't have any effect on him. Constable Kenneth Simpson ran back toward the front door. Mr. Christopher Klim ran down the hallway at them with the two (2) knives in his hands. Constable Kenneth Simpson moved back further into the kitchen. Constable Andrew Forslund moved back into the kitchen. In Constable Kenneth Simpson's statement he commented that, "I will never forget the look in Mr. Christopher Klim's face. He would not drop the knives." They told him to drop the knives. Mr. Christopher Klim appeared angry and moved forward with a knife held up over his head. Constable Andrew Forslund fell while backing up into the kitchen. At the same time Mr. Christopher Klim made a lunging motion with the knife. Constable Kenneth Simpson thought Mr. Christopher Klim was going to stab Constable Andrew Forslund so he shot his firearm. Constable Kenneth Simpson also heard a shot fired from his left and another shot fired from his right. Constable Andrew Forslund was still on the floor. Constable Kenneth Simpson looked down at Mr. Christopher Klim and saw that he still had the knives in his hands. Constable Kenneth Simpson grabbed the knives from beside Mr. Christopher Klim and threw them behind him. Constable Kenneth Simpson announced, 'Shots fired, roll an ambulance code three (3).', on his police radio.

Constable Kurt Veller, in his statement and in his sworn evidence given during the Coroner's Inquest, in part, disclosed that they all went to the apartment building. He was on the one side and Constable Kenneth Simpson was on the other side with the purging tool. They heard the phone ringing inside the apartment but no one answered. Constable Colin Curtis knocked on the door a couple of times but no one answered. Constable Kenneth Simpson engaged the door with the purging tool and the door opened. Constable Colin Curtis or Constable Kenneth Simpson yell out, "Kitchen "clear", livingroom "clear", dining room "clear", areas "clear". Constable Kurt Veller looked in the bedroom and saw feet on the bed. Constable Kurt Veller yelled out, "He's in the bedroom." Constable Kurt Veller saw Mr. Christopher Klim get up holding two (2) knives. Constable Kurt Veller called out, "He's in the bedroom, he's got a knife." Constable Kurt Veller backed out into the dining room. He heard Inspector Steve McVarnock and Constable Colin Curtis yell out, "Drop the knife, drop the knife." Constable Colin Curtis fired the taser at Mr. Christopher Klim after which he moved back into the bedroom. Constable Kurt Veller provided lethal overwatch for Constable Colin Curtis because he did not have a gun out. Constable Kurt Veller noticed the taser had little to no effect as Mr. Christopher Klim was still standing holding two (2) knives. He noticed Mr. Christopher Klim was angry and yelling loud. They backed up. Constable Kurt Veller saw Mr. Christopher Klim run by with a knife in one hand. Constable Andrew Forslund was in the kitchen and Constable Kurt Veller turned into the kitchen and viewed Mr. Christopher Klim slashing at Constable Andrew Forslund. Constable Kurt Veller saw Constable Andrew Forslund fall back. Constable Kurt Veller fired

one (1) round. He heard a second round, and then a third round fired.

Inspector Steve McVarnock, in his statement and in his sworn evidence given during the Coroner's Inquest, in part, disclosed that when he arrived on scene, a couple members were assigned to perimeter duty outside. At least four members went inside the apartment lobby. A call was placed by Constable Mike Anderson, as planned, to the apartment. The phone rang but nobody answered. The door was breached and the members entered and identified themselves, "Police." Mr. Christopher Klim showed up brandishing a butcher knife and the members utilized verbal intervention. There was a member with a taser on site and lethal over watch. Mr. Christopher Klim was very agitated. The members backed off their position at which time Inspector Steve McVarnock said, "We're just here to help you, we're not going to hurt you." Mr. Christopher Klim said, "Bullshit, get the fuck out of here.", and went on a tirade of profanities. Constable Colin Curtis brought the taser to the ready position. The light from the taser was right on the center mass of Mr. Christopher Klim who was getting more and more agitated. Inspector Steve McVarnock could see it in Mr. Christopher Klim's face, his eyes were very large, very tense and he walked closer to the doorway. Constable Colin Curtis deployed the taser. Mr. Christopher Klim stumbled back in the bedroom. Inspector Steve McVarnock instructed for somebody to move in and restrain him. No sooner did he say that; Mr. Christopher Klim was up off the bed and came toward them with a large butcher knife. The knife posed a risk of death and grievous bodily harm to the members. Mr. Christopher Klim was very agitated and moved almost robotic. He walked right toward the members and the members backed right off. Everyone told him to, "Drop the knife, drop the knife." Mr. Christopher Klim would not, and he had a crazed look on his face. He stepped toward the members and Inspector Steve McVarnock heard two shots. Mr. Christopher Klim dropped immediately. Inspector Steve McVarnock knelt down but could not detect a pulse. One of the members called out on his portable radio there were, "...shots fired, get an ambulance here."

On December 27, 2007, Constable Colin Curtis of the Vernon Detachment was aware that a Director's Warrant had been issued by Mr. Russ Ballance on December 17, 2007, as Constable Colin Curtis had endeavored to apprehend Mr. Christopher Klim on December 19, 2007 under the authority of that warrant. Constable Andrew Forslund received a telephone call from Mr. Richard Jameson, a Mental Health worker in Vernon, BC, who worked with Mr. Christopher Klim. Mr. Richard Jameson contacted the Vernon Detachment and informed Constable Andrew Forslund of the information provided by Mr. Christopher Klim's grandparents, that they believed Mr. Christopher Klim was going to cause serious harm to himself as he had fresh cuts on his face.

Based on the report made by Mr. Richard Jameson the police formulated the opinion that there was an immediate need to apprehend Mr. Christopher Klim. The police were also aware of the outstanding Mental Health warrant. Therefore, the statutory requirements of the Mental Health Act were met.

Based on the fact that Mr. Christopher Klim had two knives in his hands and charged toward Constable Andrew Forslund posed a real threat of grievous bodily harm. When Constable Andrew Forslund fell onto his back and Mr. Christopher Klim made a downward motion with the knife, that escalated the threat to fear of grievous bodily harm and / or death.

Based on the belief that Mr. Christopher Klim was going to cause death or grievous bodily harm, the five members of the RCMP who entered the apartment met the statutory requirements of the Criminal Code.

The members who attended the apartment of Christopher Klim on December 27, 2007, **complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to persons being apprehended under the Mental Health Act and taken into custody.**

Allegation #2:

Allegation two directs determination as to whether the RCMP officers involved in the events of December 27, 2007, from the moment of individual deployment until Mr. Christopher Klim's death, complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to use of force.

I am satisfied that the appropriate options and use of force were exercised in the attempt to apprehend Mr. Christopher Klim.

STATUTE

The statute authority for the use of force is provided on page eight (8) in this letter. The Mental Health Act provided the police officers who attended Mr. Christopher Klim's residence on December 27, 2007, the legal authority to act based on the existence of a warrant issued under that statute. In addition to the warrant, the Mental Health Act provides authority for police officers to apprehend Mr. Christopher Klim based on the report that Mr. Christopher Klim was believed to be causing himself harm in concert with his history of self harm. A copy of the Warrant to Apprehend, documents and statements addressing self harm by Mr. Christopher Klim form part of the report.

Section 25 (1) of the Criminal Code provided the officers with the statute authority to use as much force as was necessary to apprehend Mr. Christopher Klim.

When Mr. Christopher Klim charged the officers with two knives in his hands, Section 25(3) of the Criminal Code afforded the statute authority to use as much force as was necessary to prevent bodily harm or death.

Mr. Christopher Klim charged out of the bedroom with a knife in each hand raised above his shoulder. Constable Andrew Forslund was repositioning when he fell to the floor and onto his back. Mr. Christopher Klim brought the two knives downward in the direction of Constable Andrew Forslund. Section 25(3) of the Criminal Code gave the authority for the officers to use as much force as was necessary to prevent bodily harm or death. The officers discharged the pistols they were issued by the RCMP to prevent Constable Andrew Forslund from being killed or seriously injured.

Constable Andrew Forslund, in his statement and in his sworn evidence given during the Coroner's Inquest, in part, disclosed that he was the person who answered the phone when Richard Jameson, a mental health worker, called to confirm Vernon Detachment held a Mental Health Warrant for Mr. Christopher Klim. Mr. Richard Jameson told Constable Andrew Forslund that he just spoke with Mr. Christopher Klim's grandparents who told him that Mr. Christopher Klim was at his apartment. Mr. Richard Jameson expressed his and the concerns of Mr. Christopher Klim's grandparents that his self harm or violence was escalating. The reason for this concern was Mr. Christopher Klim had been cutting his face and neck and was suicidal. Constable Andrew Forslund went to the Watch Commander, Constable Mike Anderson. A group of available members were assembled for a briefing. Constable Colin Curtis, Constable Kurt Veller, Constable Amanda Garner, Constable Andrew Forslund, Constable Richard Drought and Constable Mike Anderson held a briefing. Since Constable

Colin Curtis had been in the apartment on December 19, 2007, he provided a diagram of the layout of the apartment. Inspector Steve McVarnock happened upon the briefing. He confirmed that all use of force options were available and that Constable Colin Curtis had a Conducted Energy Weapon with him. Constable Mike Anderson ensured everyone knew Mr. Christopher Klim's intervention history with the police. Constable Richard Drought and Constable Amanda Garner stayed outside the apartment. As the others approached the front door of the apartment an older couple let them. The man said he had not seen Mr. Christopher Klim in a while. Constable Kurt Veller, Constable Kenneth Simpson, Inspector Steve McVarnock, Constable Colin Curtis and Constable Andrew Forslund entered the apartment building. Constable Andrew Forslund could hear the phone ringing but no one answered. They agreed Constable Colin Curtis would go in first, followed by Constable Andrew Forslund, Constable Kurt Veller and then Constable Kenneth Simpson. Constable Andrew Forslund confirmed with Inspector Steve McVarnock that Mr. Christopher Klim's grandparents said they had just spoken to him and he was in the apartment. Inspector Steve McVarnock gave a nod, then Constable Kenneth Simpson smashed the door in. Constable Andrew Forslund "cleared" the closet to make sure there was no one in there. Constable Andrew Forslund heard someone say he was in the bedroom and had knives. Constable Andrew Forslund backed up to the kitchen entrance and used the wall from the kitchen entrance for cover as he saw Mr. Christopher Klim in the bedroom with two knives in his hands. Constable Forslund described Mr. Christopher Klim as angry and his body bladed. They yelled at him to put the knives down and get down on the ground. Mr. Christopher Klim walked behind a wall. Constable Forslund stated he was scared, that he thought Mr. Christopher Klim was going to 'grab a gun or something.' Constable Forslund was very uncomfortable as he could not see Mr. Christopher Klim. He observed Mr. Christopher Klim back away from the bedroom doorway a little bit with the knives in his hands. Constable Colin Curtis went into the hallway with the taser up and the red dot on Mr. Christopher Klim's chest. Constable Andrew Forslund had his gun pointed at Mr. Christopher Klim. He was Constable Colin Curtis' over watch, as this was the way they were taught in training; if one person has the taser then the other person has their pistol out in case the taser fails. They were telling Mr. Christopher Klim to calm down and to drop the knives. Constable Andrew Forslund could see and hear Inspector McVarnock telling Mr. Christopher Klim, "Calm down, we're here to help you." Constable Colin Curtis deployed the taser. Constable Andrew Forslund explained that you want to subdue a person while they are being tasered. They started to move forward and observed Mr. Christopher Klim bring the knives up to about shoulder height then charged out of the bedroom. Constable Andrew Forslund backed up as fast as he could into the kitchen. When Mr. Christopher Klim entered the kitchen Constable Andrew Forslund fell onto his back. He heard one gunshot and saw Mr. Christopher Klim still moving toward him so he fired one shot. Constable Andrew Forslund saw Mr. Christopher Klim turn and exited the kitchen. Constable Andrew Forslund went out from the kitchen into the hallway where he saw Mr. Christopher Klim lying on the floor. Constable Richard Drought came in and rendered first aid.

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the top prong hit Mr. Christopher Klim, but did not see where the bottom one went. Mr. Christopher Klim went back into the bedroom. Constable Colin Curtis went charging into the bedroom and observed Mr. Christopher Klim back on his feet with two knives in his hands. The taser didn't work and Mr. Christopher Klim was angry. Constable Colin Curtis felt someone grab his jacket and belt and pull him out from the bedroom. Constable Colin Curtis removed his gun from his holster and backed into the livingroom. Constable Colin Curtis was getting a second cartridge ready for the taser when Mr. Christopher Klim came out of the bedroom and ran right in front of him. Constable Colin Curtis put his gun back in his holster and switched taser cartridges. Constable Colin Curtis heard yelling and screaming coming from the kitchen. Constable Colin Curtis heard; 'bang, bang'. Someone yelled, "Andrew, has he been stabbed, check Andrew, check Andrew."

Constable Kenneth Simpson, in his statement and in his sworn evidence given during the Coroner's Inquest, in part, disclosed that they entered the building; Inspector Steve McVarnock, Constable Colin Curtis, Constable Andrew Forslund, Constable Kurt Veller and himself. He heard the phone ringing. He looked over to Inspector Steve McVarnock, then hit the door three (3) times and forced it open. They announced, "Police, police, police." Constable Kurt Veller said, "He's in the bedroom and he's got knives." Constable Kenneth Simpson backed up behind the half wall in the kitchen for "cover" and drew his pistol. Constable Kenneth Simpson saw that Mr. Christopher Klim had two (2) knives and was moving toward the bedroom door. Constable Colin Curtis had the taser out so Constable Kenneth Simpson was lethal "cover" if necessary. Constable Colin Curtis, Constable Andrew Forslund and Inspector Steve McVarnock all told Mr. Christopher Klim to, "Drop the knife, come with us, it's gonna be okay sir." Mr. Christopher Klim yelled, "Leave me alone, I'm not going with you, get out of here." Mr. Christopher Klim still had two (2) knives. Constable Colin Curtis fired the taser and hit Mr. Christopher Klim. They moved forward at which time Constable Kenneth Simpson saw Mr. Christopher Klim coming out of his bedroom with the two (2) knives in his hands. The taser clearly didn't have any effect on him. Constable Kenneth Simpson ran back toward the front door. Mr. Christopher Klim ran down the hallway at them with the two (2) knives in his hands. Constable Kenneth Simpson moved back further into the kitchen. Constable Andrew Forslund moved back into the kitchen. Constable Kenneth Simpson will never forget the look in Mr. Christopher Klim's face. He would not drop the knives. They told him to drop the knives. Mr. Christopher Klim appeared angry and moved forward with a knife held up over his head. Constable Andrew Forslund fell while backing up into the kitchen. At the same time Mr. Christopher Klim made a lunging motion with the knife. Constable Kenneth Simpson thought Mr. Christopher Klim was going to stab Constable Andrew Forslund so he shot his firearm. Constable Kenneth Simpson also heard a shot fired from his left and another shot fired from his right. Constable Andrew Forslund was still on the floor. Constable Kenneth Simpson looked down at Mr. Christopher Klim and saw that he still had the knives in his hands. Constable Kenneth Simpson grabbed the knives and threw them behind him. Constable Kenneth Simpson announced, "...shots fired, roll an ambulance code three (3)."

Constable Kurt Veller, in his statement and in his sworn evidence given during the Coroner's Inquest, in part, disclosed that they all went to the apartment building. He was on the one side and Constable Kenneth Simpson was on the other side with the ram. They heard the phone ringing inside the apartment but noone answered. Constable Colin Curtis knocked on the door a couple of times but noone answered. Constable Kenneth Simpson rammed the door and the door opened. Constable Colin Curtis or Constable Kenneth Simpson yelled out, "Kitchen clear", livingroom "clear", dining room "clear", areas "clear". Constable Kurt Veller looked in the bedroom and saw feet on the bed. Constable Kurt Veller yelled out, "He's in the bedroom." Constable Kurt Veller saw Mr. Christopher Klim get up holding two (2) knives. Constable Kurt

Veller called out, "He's in the bedroom, he's got a knife." Constable Kurt Veller backed out into the dining room. He heard Inspector Steve McVarnock and Constable Colin Curtis yell out, "Drop the knife, drop the knife." Constable Colin Curtis tasered Mr. Christopher Klim but he moved forward. Constable Kurt Veller covered Constable Colin Curtis off because he did not have a gun out. Constable Kurt Veller noticed the taser had little to no effect as Mr. Christopher Klim was still standing holding two (2) knives. He noticed Mr. Christopher Klim was angry and yelling loud. They backed up. Constable Kurt Veller saw Mr. Christopher Klim run by with a knife in one hand. Constable Andrew Forslund was in the kitchen and Constable Kurt Veller turned into the kitchen and viewed Mr. Christopher Klim slashing at Constable Andrew Forslund. Constable Kurt Veller saw Constable Andrew Forslund fall back. Constable Kurt Veller fired one (1) round. He heard a second round and then a third round fired.

Inspector Steve McVarnock, in his statement and in his sworn evidence given during the Coroner's Inquest, in part, disclosed that when he arrived on scene, a couple members were assigned to perimeter duty outside. At least four members went inside the apartment lobby. A call was placed by Constable Mike Anderson, as planned, to the apartment. The phone rang but nobody answered. The door was breached and the members entered identifying themselves, "Police." Mr. Christopher Klim showed up brandishing a butcher knife and the members utilized verbal intervention. There was a member with a taser on site and lethal over watch. Mr. Christopher Klim was very agitated. The members backed off their position at which time Inspector Steve McVarnock said, "We're just here to help you, we're not going to hurt you." Mr. Christopher Klim said, "Bullshit, get the fuck out of here.", and went on a tirade of profanities. Constable Colin Curtis brought the taser to the ready position. The light from the taser was right on the center mass of Mr. Christopher Klim who was getting more and more agitated. Inspector Steve McVarnock could see it in Mr. Christopher Klim's face; his eyes were very large, very tense and he walked closer to the doorway. Constable Colin Curtis deployed the taser. Mr. Christopher Klim stumbled back into the bedroom. Inspector Steve McVarnock instructed for somebody to move in and restrain him. No sooner did he say that; Mr. Christopher Klim was up off the bed and came toward them with a large butcher knife. The knife posed a risk of death and grievous bodily harm to the members. Mr. Christopher Klim was very agitated and moved almost robotic. He walked right toward the members and the members backed off. Everyone told him to, "Drop the knife, drop the knife." Mr. Christopher Klim would not, he had a crazed look on his face. He stepped toward the members and Inspector Steve McVarnock heard two shots. Mr. Christopher Klim dropped immediately. Inspector Steve McVarnock knelt down but could not detect a pulse. One of the members called out on his portable radio there were, "...shots fired, get an ambulance here."

POLICY

Operational Manual 17 addresses the use of force by members of the Royal Canadian Mounted police. The primary objective of the use of force within the RCMP is:

"The main objective of any occurrence response and intervention is the safety of peace officers, other law-enforcement officers and the public. Many occurrences can be resolved through dialogue, but occasionally, intervention by means of force may be necessary."

Within policy Section 25(1) is cited as the authority to use as much force as is necessary to enforce and administer the law. That the officer must demonstrate the level of intervention was appropriate for the situation.

Within policy Section 25(4) is cited as the authority to use lethal force to prevent death or grievous bodily harm where lesser means are not appropriate.

The Incident Management Intervention Model is not policy or law. In policy the Incident Management Intervention Model is commonly referred to as the IMIM.

TRAINING

In this area the use of force is addressed through the Incident Management Intervention Model. The Incident Management Intervention Model was adopted by the Royal Canadian Mounted Police on or about 1996 and was incorporated into the curriculum at Depot Division in Regina, Saskatchewan at that time.

Confirmation of this aspect has not been provided by the National Learning Center in Headquarters, Ottawa. Once this information is received it will be forwarded under a separate cover.

The Incident Management Intervention Model is a training aid that assists police officers envision an event and explain why they chose the intervention method they did; in other words, explain their actions. The IMIM is also a teaching aid in training peace officers.

The training information for each of the members who were inside the apartment of Mr. Christopher Klim on December 27, 2007, as it pertains to the use of force is captured previously in this letter.

As set out in the statements of the five members who were in the apartment of Mr. Christopher Klim on December 27, 2007, they utilized all aspects of the Incident Management Intervention Model which were available based on the situational factors, officer perception, and tactical considerations.

The first aspect they used was their presence, which was completely ineffective with Mr. Christopher Klim, who immediately resorted to assaultive aggressive behaviour having the knives in his hands.

All the members in the apartment used their training and repositioned during the contact with Mr. Christopher Klim as his behaviour changed. Three of the members, Constable Colin Curtis, Constable Andrew Forslund and Inspector Steve McVarnock, used verbal intervention as the next means of intervention. Mr. Christopher Klim refused to drop the knives. Mr. Christopher Klim stated he would not go to the hospital and told the members to get out of his residence.

When Mr. Christopher Klim raised the knives above his shoulders with the knives in his hands he demonstrated the ability, means and intent to inflict grievous bodily harm and / or death. Constable Forslund and the other Constables were in their full duty attire which included bulletproof vests. The bulletproof vest does not provide protection against Mr. Christopher Klim's weapon choice; butcher knives.

Oleoresin Capsicum Spray, also known as "pepper spray", was not an option based on the location and situation. It was known that Mr. Christopher Klim suffered a mental illness. The ineffectiveness of the Conducted Energy Weapon, also known as the taser, demonstrated Mr. Christopher Klim was goal-oriented. The location was a factor removing the Oleoresin Capsicum Spray as an intervention option. The apartment provided a small confined closed space, increasing the probability of officer contamination which could have rendered one or all of the responding officers unable to respond to the changing environment. Based on the location and behavioral factors exhibited by Mr. Christopher Klim, the members used their training and recognized that OC spray was an ineffective option.

Another intervention option available was the defensive baton. The defensive baton becomes ineffective in confined space and in configurations such as this apartment where the ability to extend and maneuver the baton are compromised. The fact that Mr. Christopher Klim had two knives removed the defensive baton as a viable intervention option as knives can be lethal when the aggressor is within thirty feet.

The next intervention option utilized was the Conducted Energy Weapon. The Conducted Energy Weapon was ineffective. The members followed their training and when the Conducted Energy Weapon was deployed they closed the distance to restrain Mr. Christopher Klim. The Conducted Energy Weapon did cause Mr. Christopher Klim to retreat but when the members arrived to restrain Mr. Christopher Klim he was in a bladed (fighting) stance with a knife in each hand. The distance the members had to run was short and therefore the time was minimal.

The members' tactical considerations were to reposition with cover. The cover provides extra protection. In the process of repositioning, Constable Andrew Forslund fell to the floor onto his back. Constable Kurt Veller and Constable Kenneth Simpson both observed Mr. Christopher Klim approaching Constable Andrew Forslund quickly and the knives going in a downward motion toward Constable Andrew Forslund. The belief of these two members was that Constable Andrew Forslund was going to suffer grievous bodily harm or death.

Based on their training and statute authority Constable Kurt Veller and Constable Andrew Forslund used the only viable intervention which was to discharge their service pistols, lethal force.

I therefore find that the members who attended the apartment of Christopher Klim on December 27, 2007, **complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to the use of force.**

Allegation #3:

Allegation three directs determination whether the RCMP officers involved in the events of December 27, 2007, from the moment of individual deployment until Mr. Christopher Klim's death, complied with all appropriate training, policies, procedures, guidelines relating to persons in a state of mental health crisis, and / or being apprehended under mental health legislation are adequate.

The information sought in this allegation is the same as the information provided in response to allegation one; requirements relating to persons being apprehended under the Mental Health Act and taken into custody.

The members who attended the apartment of Mr. Christopher Klim on December 27, 2007, did comply with appropriate training, policies, procedures and guidelines relating to persons in a state of mental health crisis and / or being apprehended under the mental health legislation which were adequate.

Statutes, policies, procedures and guidelines can only address a particular situation. In the fact that there was a warrant for Mr. Christopher Klim's apprehension under the Mental Health Act, he told the police officers he would not go back to the hospital. He resorted to weapons, having a large knife in each hand. Just the possession of the knives in this circumstance was a violation of Section 88(1) of the Criminal Code, in that he was in possession of a weapon for a dangerous purpose.

When Mr. Christopher Klim went toward Constable Andrew Forslund with the knives going from above his shoulders downward toward Constable Andrew Forslund, he was in violation of Section 267(a) of the Criminal Code - Assault With a Weapon.

The policies previously noted in this letter direct the use of force in conjunction with the legal authorities in the Criminal Code which are set out previously in this letter.

As detailed in the response to allegation #2, the members used the appropriate intervention options in conjunction with repositioning throughout the intervention.

Vernon Detachment has revised their unit supplements since December 27, 2007. The Vernon Detachment unit supplements now direct a designated member to maintain ongoing communication with Vernon Mental Health on matters or persons of mutual interest. The member will attend regular meetings with the Outreach Team and the Mentally-Disordered Offender group. The detachment will enhance members' awareness in that Cadets will take part in a one day rotation with Mental Health; will promote and facilitate training through formal or informal workshops or courses and the Police Observer Program.

I find that the members who attended the apartment of Christopher Klim on December 27, 2007, **complied with all appropriate training, policies, procedures, guidelines and statutory requirements relating to persons in a state of mental health crisis, and / or being apprehended under mental health legislation are adequate.**

Allegation #4:

Allegation four directs whether the RCMP officers involved in the events of December 27, 2007, from the moment of individual deployment until Mr. Christopher Klim's death, complied with all appropriate training, policies, procedures, guidelines and statutory requirements for the conduct of such investigation and whether such policies, procedures and guidelines are adequate, and further, whether such investigation was carried out in an adequate and timely fashion.

TRAINING

To effectively address training as it pertains to conducting an investigation in a timely and adequate fashion, the foundation begins at Depot Division, also commonly referred to as the Training Academy.

The RCMP training curriculum at Depot Division keeps up with new developments in technology, legislation and best practices on a continuing basis. The foundation provided to each graduate of the Training Academy is then reinforced and augmented in what is referred to as the Cadet Field Training Program.

Part of the program is the mentoring and monitoring of the cadet in conducting investigations. These are "real life" situations investigated by the cadet under the direct supervision of their field coach and supervisors. This learning is augmented through the use of scenarios. The scenarios presented to a cadet during their Cadet Field Training Program affords their field coach, supervisors and detachment management with a means of ensuring the cadet understands their legal authorities, legal obligations and ability to manage incidents in an appropriate and professional manner.

Training is further developed throughout their career through mentoring, training and experience.

Inspector Steve McVarnock

Inspector Steve McVarnock was the senior member both in rank and service to attend Mr. Christopher Klim's apartment. Inspector Steve McVarnock completed his basic training in December of 1981. During his tenure at the training academy, members were presented with scenarios which they had to investigate. These scenarios included attending scenes, dealing with persons, obtaining statements and completion of required documentation. Courses relative to the events of December 27, 2007, in which Inspector McVarnock had completed are:

- MCM Team Commander 2005
- Incident Commanders Course 2005
- Major Case Management 2005
- Drug Investigation Techniques 1994
- Arson Investigation 1989
- Investigators 1987

The MCM Team Commander and the Major Case Management Course provide training in the investigation of serious incidents. Part of that training includes presentations on offender behaviour. The Incident Commanders Course is an intensive course developed and recognized nationally for the development of Critical Incident Commanders, who are trained in the management of major incidents involving weapons related situations, public order and natural disasters, ie; barricaded persons, hostage taking and forest fires.

The Drug Investigation Techniques, Arson Investigator and Investigators Courses all provide training on scene attendance, preservation of evidence, scene control, and investigation procedures, which includes interviewing.

Constable Richard Drought

Constable Richard Drought was senior in service of the Constables to attend Mr. Christopher Klim's apartment. Constable Richard Drought completed his basic training in May of 1997. Courses relative to the events of December 27, 2007, in which Constable Richard Drought had completed are:

- Violence in Relationships 2002

Violence in relationship courses provide training on scene attendance, preservation of evidence, scene control, investigation procedures, and dealing with persons who are emotional, from distraught to angered.

Constable Kurt Veller

Constable Kurt Veller was one of the Constables to attend Mr. Christopher Klim's apartment. Constable Kurt Veller completed his basic training in June of 2003. Constable Kurt Veller graduated Depot Division in 2003. Courses relative to the events of December 27, 2007, in which Constable Kurt Veller had completed are:

- Sex Crimes Investigators 2005

The Sex Crime investigators course provides training on scene attendance, preservation of evidence, scene control, investigation procedures, dealing with and interviewing persons who are distraught and offenders with specific offending behaviors.

Constable Kenneth Simpson

Constable Kenneth Simpson was one of the Constables to attend Mr. Christopher Klim's apartment. Constable Kenneth Simpson completed his basic training in August of 2005. While attending Depot Division in Regina, Saskatchewan, in 2005, Constable Colin Curtis had Oleoresin Capsicum Spray training and the Incident Management Intervention Model training as part of his graduation requirement. Courses relative to the events of December 27, 2007, in which Constable Simpson had completed are:

- Investigators Course 2007
- Investigative Interviewing 2006
- Violence In Relationship 2005

The Investigators Course provides training on scene attendance, preservation of evidence, scene control, and investigation procedures, which includes interviewing.

Violence in Relationship courses provide training on scene attendance, preservation of evidence, scene control, investigation procedures, and dealing with persons who are emotional, from distraught to angered.

The Investigative Interviewing Course provides training on preparation for an interview and interviewing persons from those who are distraught to offenders with specific offending behaviors. This training enhances the officer's abilities to communicate effectively with a variety of persons subject to different influences; physical, psychological and environmental.

Constable Amanda Garner

Constable Amanda Garner was one of the Constables to attend Mr. Christopher Klim's apartment. Constable Amanda Garner completed her basic training in August of 2003. While attending Depot Division in Regina, Saskatchewan, in 2003, Constable Amanda Garner had Oleoresin Capsicum Spray training and the Incident Management Intervention Model training as part of her graduation requirement. Courses relative to the events of December 27, 2007, in which Constable Amanda Garner had completed are:

- Investigators Course 2007
- Investigative Interviewing 2006

The Investigators Course provides training on scene attendance, preservation of evidence, scene control, investigation procedures which includes interviewing.

The Investigative Interviewing Course provides training on preparation for an interview and interviewing persons from those who are distraught to offenders with specific offending behaviors. This training enhances the officer's abilities to communicate effectively with a variety of persons subject to different influences, physical, psychological and environmental.

Constable Colin Curtis

Constable Colin Curtis was one of the Constables to attend Mr. Christopher Klim's apartment. Constable Colin Curtis completed his basic training in February of 2006. While attending Depot Division in Regina, Saskatchewan, in 2006, Constable Colin Curtis had Oleoresin Capsicum Spray training and the Incident Management Intervention Model training as part of his graduation requirement. Courses relative to the events of December 27, 2007, in which Constable Colin Curtis had completed are:

- Investigative Interviewing 2007
- Violence In Relationship 2006

The Investigative Interviewing Course provides training on preparation for an interview and interviewing persons, from those who are distraught to offenders with specific offending behaviors. This training enhances the officer's abilities to communicate effectively with a variety of persons subject to different influences, physical, psychological and environmental.

Violence in Relationship courses provide training on scene attendance, preservation of evidence, scene control, investigation procedures, and dealing with persons who are emotional, from distraught to angered.

Constable Andrew Forslund

Constable Andrew Forslund was one of the Constables to attend Mr. Christopher Klim's apartment. Constable Andrew Forslund completed his basic training in October of 2007. Courses relative to the events of December 27, 2007, in which Constable Andrew Forslund had completed are:

- Violence In Relationship

Violence in Relationship courses provide training on scene attendance, preservation of evidence, scene control, investigation procedures, and dealing with persons who are emotional, from distraught to angered.

POLICY

This fourth allegation pertains to the time from first police attendance up to the death of Mr. Christopher Klim, therefore, policy pertaining to death investigations is not applicable and has not been incorporated into this letter.

The National Policy which is most applicable to this particular investigation is Operational Manual II Criminal Code Offences. This policy is the most relevant as Mr. Christopher Klim held a knife in each hand, with knives pointed at them, then charged at the attending officer(s). The policy in Part 2 Chapter 7 addresses Acts / Threat of Violence. The policy was amended on May 3, 2007, and **does not cover** threats made in a moment of stress against a peace officer.

In National Policy 2.7.1.5.1., it states that where the threat is against a member of the general public the RCMP will ensure an investigation will be conducted and, if required, notify the subject of the threat in writing.

E Division Policy for Threats does not apply to this situation and directs the member back to National Policy.

Part 100.1 of E Division Policy addressed Provincial Statute investigations first in general terms. In areas of a province where a city or municipal department does not have jurisdiction, the RCMP is the law enforcement agency and will enforce the Provincial Statutes.

Under Part 100.1, Mentally Ill Persons / Prisoners directs the member to Part 19.7.1., which has been reported in depth in allegation #1 of this letter.

STATUTORY REQUIREMENTS

The provisions of Section 28 (1) of the Mental Health Act were met as the members could apprehend Mr. Christopher Klim and immediately him take to a physician for examination as they were satisfied a warrant had been issued under the Mental Health Act and information received that Mr. Christopher Klim was acting in a manner likely to endanger his own safety and that he had a mental disorder.

The provisions set out in Section 25 (1) of the Criminal Code were met in that the members were acting on reasonable grounds and thus authorized to use as much force as necessary as they were authorized by law. Furthermore, under Section 25 (3) of the Criminal Code, based on reasonable grounds, they used the force that was necessary for their self-preservation or the preservation of anyone under their protection.

The provisions outlined in Section 27 of the Criminal Code were met when Mr. Christopher Klim advanced towards Constable Andrew Forslund moving two knives he had in his hands downward in the direction of Constable Andrew Forslund who was on his back on the floor. Constable Kurt Veller and Constable Kenneth Simpson who witnessed this were justified in using as much force as was reasonably necessary to prevent Constable Andrew Forslund from being stabbed, which would likely cause immediate and serious injury or his death.

INVESTIGATION ADEQUATE AND TIMELY

Constable Andrew Forslund received a telephone call from Mr. Richard Jameson, the Mental Health case worker for Mr. Christopher Klim. Mr. Richard Jameson confirmed through Constable Andrew Forslund that the Vernon Detachment had in their possession a warrant issued under the Mental Health Act of British Columbia for Mr. Christopher Klim. Mr. Richard Jameson provided the details of a conversation he just had with Mr. Harry Klim and his wife, Shirley Davis-Klim, the grandparents of Christopher Klim. In brief, the grandparents had spoken to Mr. Christopher Klim before they contacted Mr. Richard Jameson. Based on the content of the conversation and their visual observations on December 25, 2007, of Christopher Klim's self-inflicted injuries, they feared his acts of self harm and violence were escalating. Mr. Richard Jameson provided a history of Mr. Christopher Klim harming himself.

On receiving that information Constable Andrew Forslund immediately notified his acting Watch Commander, Constable Mike Anderson. Constable Mike Anderson directed Constable Andrew Forslund to assemble available resources in the general duty area of the Vernon Detachment for a briefing. Constable Mike Anderson chaired the briefing. He confirmed the existence of the Mental Health Act warrant for Mr. Christopher Klim. He provided current and historical information on the behaviors of Mr. Christopher Klim, those that endangered his life and his aggressive tendencies toward police. He instructed Constable Colin Curtis, who had been inside of Mr. Christopher Klim's apartment only eight days earlier, to provide a sketch of the layout of the apartment for the members who were attending. He assigned the members duties, including the need for an outer perimeter in the event Mr. Christopher Klim exited the apartment via the patio doors or a window.

Inspector Steve McVarnock reminded the members of safety protocol. He instructed a telephone call be placed into the residence in an effort to have Mr. Christopher Klim exit his apartment once the members were in position.

The members drove direct from the detachment to the apartment. The telephone call was placed without success. Knocking on the door was not successful. After confirming the information received from Mr. Richard Jameson, Inspector Steve McVarnock authorized the use

of the purging tool to open the door. Five members entered the apartment building while two remained outside maintaining the outer perimeter.

After three strikes with the purging tool the door opened and the four uniformed members entered the apartment. Within minutes the members encountered Mr. Christopher Klim. The investigation conducted by the members who attended Mr. Christopher Klim's residence on December 27, 2007, was conducted in a timely manner. Mr. Richard Jameson arrived at work at 12:30 pm on December 27, 2007. After returning a telephone call to Mrs. Shirley Davis-Klim, he placed a call to the hospital confirming direct admission for Mr. Christopher Klim to the psychiatric ward. Mr. Richard Jameson then contacted Constable Andrew Forslund by phone. It was as a result of the conversation with Constable Forslund that the members of the Vernon Detachment had reason to believe that Mr. Christopher Klim was at his apartment.

Inspector Steve McVarnock documented in his report that he had prepared to go for a jog at 12:40 hours (12:40 pm), and walked through the general duty area when he came upon the briefing. Inspector Steve McVarnock documented at 13:10 hours (1:10 pm) that he exited the apartment building and contacted his supervisor, Chief Superintendent Don Harrison.

Constable Kenneth Simpson and Constable Kurt Veller both had documented in their respective notebooks that they arrived at the apartment of Mr. Christopher Klim at 13:03 hours (1:03 pm).

The analysis of the Conducted Energy Weapon revealed it was activated three times at 1:04 pm (13:04:18; 13:04:31 and 13:04:37 hours). The investigation conducted by the members upon learning that Mr. Christopher Klim was at his apartment to the time of his death was conducted in approximately thirty (30) minutes.

Corporal Mark Taylor of the Vernon Detachment Professional Standards Unit documented in his notes that he was told at 13:11 hours (1:11 pm), by Sergeant Neil Duncan that there had been a shooting involving Constable Andrew Forslund.

Mr. Richard Jameson had three telephone conversations within thirty (30) minutes of starting his shift at 12:30 pm. His final conversation was with Constable Forslund who immediately informed his Watch Commander, Constable Mike Anderson. Constable Mike Anderson held a briefing with the members who attended the apartment. Based on the aforementioned notes the briefing had commenced at 12:40 pm.

The members then drove from the detachment to the apartment. According to the aforementioned notes the members arrived at the apartment building at 1:03 pm.

The members required time to enter the building and get into position. Time was required to place the telephone call, knock on the door and then purge the door. Time was also required to "clear" the apartment prior to the contact with Mr. Christopher Klim.

According to members' notes, Mr. Christopher Klim had been shot by 1:10 pm. From the time of arrival to the time Inspector Steve McVarnock placed a call to Chief Superintendent Don Harrison to advise of the incident, was approximately seven (7) minutes. The period of time to investigate the incident from receipt of the information to the death of Mr. Christopher Klim was under thirty minutes, thus in my opinion was conducted in a timely manner.

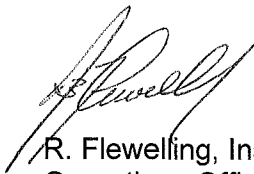
I therefore find that the members who attended the apartment of Christopher Klim on December 27, 2007, **complied with all appropriate training, policies, procedures, guidelines and**

statutory requirements for the conduct of such investigation. That the policies, procedures and guidelines are adequate for such an investigation and that the investigation was conducted in an adequate and timely fashion.

Due to the exigent circumstances in dealing with individuals under the provisions of the Mental Health Act who are believed to be causing harm to themselves or to others, a warrant under Section 529.1 of the Criminal Code is not required.

Due to the size of the attachments I have included all attachments on a CD. The CD containing the attachments is enclosed in the package to "E" Division Professional Standards Unit.

Yours truly,

A handwritten signature in black ink, appearing to read 'R. Flewelling', is written over a horizontal line.

R. Flewelling, Inspector
Operations Officer
Kelowna Detachment

cc: "E" Division Professional Standards Unit