



June 12, 2008

Paul Kennedy, Chair  
Commission for Public Complaints Against the RCMP  
PO Box 3423, Station 'D'  
Ottawa, Ontario K1P6L4

Dear Mr. Kennedy:

**Re: Complaint regarding RCMP pursuit of Randall Gerard**

I am writing on behalf of the B.C. Civil Liberties Association (BCCLA) to initiate a complaint under the *Royal Canadian Mounted Police Act* against the relevant members of the Ridge-Meadows RCMP detachment and other RCMP officers involved in the pursuit and apprehension of 49 year old Randall Dennis Gerard on May 26, 2008.

Based on media reports and videos, police were called to a Maple Ridge farm where witnesses allege Mr. Gerard stole a pair of coveralls and a 10-ton truck at approximately 6:30 AM on May 26, 2008. Police eventually immobilized the vehicle through the use of spike belts, and at this point Mr. Gerard attempted to flee on foot. Within moments, a black, unmarked RCMP SUV struck Mr. Gerard. The officer(s) in the unmarked SUV presumably hit Mr. Gerard to halt his attempt to flee.

The BCCLA has three primary concerns that form the basis of this complaint: inappropriate use of potentially lethal force, a seeming lack of adherence to pursuit policies, and inadequate pursuit policy.

**1. Inappropriate use of force**

The first concern of the BCCLA is the use of a vehicle to halt the escape of Mr. Gerard. The use of a vehicle as a weapon constitutes lethal force. Mr. Gerard clearly posed a threat while driving the 10-ton truck; however, at the time Mr. Gerard was struck by the officer(s) in the unmarked SUV Mr. Gerard appears to pose no threat to any member of the RCMP or the public. The inappropriate use of lethal force is a serious breach of policy and conduct standards.

**2. A lack of adherence to pursuit policy**

With respect to the vehicular pursuit of Mr. Gerard, it does not appear that RCMP pursuit policy was followed. Pursuit policy is designed to maximize the safety of individuals being pursued, officers in pursuit, and members of the public. According to RCMP pursuit policy, unmarked

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police cars are not supposed to engage in pursuits. Section 2.5 of Part 5.4 of the Operations Manual on Emergency Vehicle Operations (Pursuits) reads as follows:

**2.5** Only a fully marked police vehicle with a roof light and a siren may be used in a pursuit.

**EXCEPTION:** An unmarked car or clean-roof police vehicle may be used in a pursuit only if it absolutely necessary to protect life. Use of an unmarked vehicle in a pursuit must be relinquished to a fully marked police vehicle as soon as possible.

Although the unmarked SUV was first to arrive on scene, it is unclear whether the officers in the SUV were participating in the pursuit as the Primary Pursuit Vehicle. The Operational Communications Centre, the Commander, and the Pursuit Supervisor have an obligation to ensure the pursuing vehicles conducted the chase according to policy and safety standards. Officers engaged in pursuit, including the Primary Pursuit Vehicle, Secondary Pursuit Vehicles and any other support vehicles have an obligation to adhere to pursuit policy.

The BCCLA makes a complaint about the conduct of all the unnamed officers involved in this pursuit and seeks a public report on the following as part of the investigation:

- The identity of the officer in command of OCC at the time of the pursuit
- The identity of the officer designated Pursuit Supervisor
- The identity of the officer designated as commander by the OCC
- The identity of the officer(s) designated as the Primary Pursuit Vehicle
- The identity and role of any other officers specifically relevant to the involvement of the unmarked SUV in the pursuit
- The identity of the officer(s) in the unmarked SUV
- The designation of the unmarked SUV as a pursuit vehicle
- The role of the unmarked SUV in the pursuit
- The circumstances surrounding how the unmarked SUV came to be the first vehicle to arrive on scene given Sections 5.1 and 5.3 of Part 5.4 of the Operations Manual
  - **5.1** If a secondary pursuit vehicle provides assistance, the operator must maintain a safe distance from the primary pursuit vehicle and immediately notify the OCC
  - **5.3** A secondary pursuit vehicle must not pass the primary pursuit vehicle unless the operator of that vehicle requests it
- The nature of the communication, preferably in the form of transcripts, between the OCC, the Commander, the Pursuit Supervisor, the Primary

Pursuit Vehicle, the Secondary Pursuit Vehicle monitoring the pursuit (as designated by S. 5.2, OM Part 5.4: If possible the operator of the secondary pursuit vehicle should assume responsibility for radio communication when in a position to visually monitor the pursuit), the unmarked SUV and any other relevant RCMP officers in relation to command and supervision as well as the involvement of the unmarked SUV

- A complete account of the unmarked SUV's involvement in the pursuit and the extent of the OCC's, Commander's, Pursuit Supervisor's, Primary Pursuit Vehicle's and Secondary Pursuit Vehicle's (as designated by S. 5.2, OM Part 5.4) knowledge of that involvement throughout the pursuit

The BCCLA requests that the conduct of the officer(s) in the SUV, the officer(s) in the Primary Pursuit Vehicle, officer(s) in the Secondary Pursuit Vehicle (as designated by S. 5.2, OM Part 5.4), the Commander, the Pursuit Supervisor, and relevant commanding officers at OCC be investigated to assess their compliance with RCMP policy and code of conduct standards regarding the participation of the SUV in the pursuit.

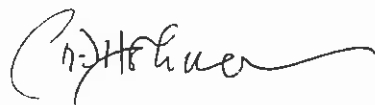
### **3. Inadequate pursuit policy**

The third aspect of the complaint concerns the lack of RCMP policy once a pursuit has ended, either because the vehicle has stopped or the vehicle occupant(s) have fled on foot. The seemingly excessive use of force in this incident leads the BCCLA to believe that Part 5.4 of the operations manual outlines a very clear chain of command designed to ensure proper oversight, but fails to address issues that arise after a vehicular pursuit has ended. The BCCLA requests that the RCMP implement policy change to address this policy gap.

To maintain and enhance the public's confidence in the RCMP, we request that your office rather than the RCMP conduct this investigation.

I look forward to your response.

Yours sincerely,



Robert Holmes,  
President