



Office of the  
Police Complaint Commissioner

British Columbia, Canada

CONCLUSION OF PROCEEDINGS

OPCC File No: 2009-4892

DA File: 2009-167243

PMPD File No: 2009-7547

Date: February 16, 2012

To: Constable [REDACTED]  
Constable [REDACTED]  
Constable [REDACTED]  
Vancouver Police Department (Members)

And To: Mr. David Eby  
BC Civil Liberties (Third Party Complainant)

And To: Chief Constable Brad Parker  
Port Moody Police Department (External Investigating Agency)

And To: Chief Constable Jim Chu  
Vancouver Police Department (Discipline Authority)

On September 18, 2009, members of the Vancouver Police Department responded to a family trouble/domestic dispute at #102 – 2572 Birch Street in Vancouver. Upon arriving at this residence, Constables [REDACTED], [REDACTED] and [REDACTED] were confronted by Mr. Eugene Knight holding a knife to his wife Mrs. Elena Knight's throat. A Conducted Energy Weapon (Taser) was deployed however it was ineffective. Mr. Knight was then shot by members of the Vancouver Police Department and he succumbed to his injuries.

An External Investigation was ordered by this office pursuant to Section 55 of the *Police Act*. Staff Sergeant Rod Arruda of the Port Moody Police Department Professional Standards Section was assigned as the *Police Act* investigator. A criminal investigation was conducted by the Integrated Homicide Investigation Team (IHIT).

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On June 1, 2011, following a *Police Act* investigation, Staff Sergeant Arruda submitted a Final Investigation Report to the Discipline Authority and the Office of the Police Complaint Commissioner.

In completing a review of Staff Sergeant Arruda's Final Investigation Report and after consultation with the Discipline Authority, the need for further investigative steps was identified. The further steps required included the interviews of the involved officers on the relevant issues, as well as seeking clarification from the forensic pathologist and blood spatter analyst on the opinions provided in this investigation.

Primarily, the further investigation was required to explore two issues:

- 1) Mrs. Knight suggested in her interview that she had been walking away from Mr. Knight when police shot him. Mrs. Knight advised that she was one or two steps away from Mr. Knight when she looked back and observed Mr. Knight on the ground and the police repeatedly shooting Mr. Knight. This differed from the duty reports provided by the involved officers who described Mr. Knight as standing or stumbling at the time that he was shot.
- 2) Mr. Knight had apparently dialed his mother's phone number at some point during this incident and while she did not answer his call, a portion of this incident was captured on her answering machine. At one point in the recording, it appears that Mr. Knight is expressing his intention to put the knife down.

It was hoped that the interviews of the involved officers, the blood spatter analyst, and the pathologist might provide some explanation or clarity to the above issues.

On November 16, 2011, Staff Sergeant Arruda interviewed blood spatter analyst Corporal Kosta Arvanetes seeking clarification of his original report. In summary, Corporal Arvanetes did not find any spatter evidence that Mr. Knight was shot while on the ground. Corporal Arvanetes confirmed that the blood spatter observed was likely from Mr. Knight falling and hitting the ground, and that the blood source had to be already present prior to hitting the ground for the spatter to have occurred. Corporal Arvanetes further suggested that he believed that the blood evidence was consistent with Mr. Knight remaining in the same position once deceased and that he had not been moved prior to the investigation occurring.

On December 6, 2011, Staff Sergeant Arruda interviewed pathologist Dr. Charles Lee seeking clarification of his original report. While Dr. Lee was able to determine and describe the paths of the bullets once they struck Mr. Knight, he was not able to provide any opinion on the position of Mr. Knight's body at the time the shots were fired. He could also not provide any information on the order or sequence of the shots.

On January 9, 2012, Staff Sergeant Arruda interviewed Constable [REDACTED]. Constable [REDACTED] could not recall exactly what Mr. Knight's position was when he fired shots at Mr. Knight, due to the length of time that has passed. Constable [REDACTED] recalls that Mr. Knight was stumbling backwards but he cannot say whether he was sitting or semi-sitting. Constable

██████ does recall that Mr. Knight had Mrs. Knight in his grasp and had the knife to her throat when Constable ██████ was presented with an opportunity and he used deadly force. Constable ██████ does not recall Mr. Knight saying anything about putting the knife down, and he did not observe Mr. Knight make any move to put the knife down.

On January 16, 2012, Staff Sergeant Arruda interviewed Constable ██████. Constable ██████ recalled that Mr. Knight was standing the entire time that he and Constable ██████ and Constable ██████ dealt with him, including at the point where he was shot by Constables ██████ and ██████. Constable ██████ advised that no shots were fired at Mr. Knight once he went to the floor. Constable ██████ did not recall hearing Mr. Knight saying anything or acknowledging the demands made by Constable ██████.

On January 20, 2012, Staff Sergeant Arruda interviewed Constable ██████. Constable ██████ advised that he observed Mr. Knight pulling Mrs. Knight in tighter and pressing the knife harder to her throat. He then formed the opinion that Mrs. Knight's life was in imminent danger. He took two aimed shots to the head of Mr. Knight. Because of the time that has passed, Constable ██████ cannot recall whether Mr. Knight was standing, sitting, kneeling, or lying down when he shot Mr. Knight but he does recall that Mr. Knight was still holding his wife tightly with a knife to her throat. Constable ██████ advised that Mrs. Knight was never out of Mr. Knight's grasp until after Mr. Knight was shot. Constable ██████ does not recall hearing Mr. Knight say that he would drop the knife. In any event, Constable ██████ advised that Mr. Knight did not drop the knife and that his actions dictated the police response.

Having reviewed the investigations conducted by IHIT and Staff Sergeant Arruda, I am of the opinion that the investigations were sufficiently thorough as to have fully explored the areas of inconsistency that surfaced during the investigation. It is understandable that people's perceptions of a very traumatic event will differ somewhat based on a number of factors and variables. We are often unable to completely reconcile these differences. While this was clearly a tragic event for all who were involved, I am satisfied, based on the evidence that I have reviewed, that Inspector Steve Eely, as Discipline Authority, appropriately determined that there was no evidence of misconduct by Constables ██████, ██████, or ██████.

Therefore, the decision to conclude this matter is final and the Office of the Police Complaint Commissioner will take no further action.



Stan T. Lowe  
Police Complaint Commissioner