



OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

British Columbia, Canada

NEWS RELEASE

May 23, 2025

OPCC 2019-17245
PH 23-01

Retired Judge finds Use of Force Misconduct after OPCC Public Hearing

VICTORIA –Adjudicator Wally Oppal, K.C., has determined that a Victoria police officer committed misconduct when he fired ARWEN rounds that led to the death of Lisa Rauch. He also determined that the manner and extent to which Constable Ron Kirkwood (now Sergeant) completed his notes of the event did not amount to misconduct. The decision can be found [here](#).

No date has been set for Adjudicator Oppal’s decision on possible discipline, corrective measures, and appropriate recommendations for change.

The *Police Act* investigation in this case was ordered in January 2020, shortly after the incident took place on Christmas Day in 2019. This investigation was suspended while the Independent Investigations Office (IIO) completed a criminal investigation. The suspension was lifted in October 2020 after the IIO decided not to refer the matter for consideration of criminal charges. An external police investigator completed the investigation in February 2022 and a police discipline authority found no appearance of misconduct.

The former Commissioner sent that decision for review by a retired judge, who dismissed both misconduct allegations in July 2023. The Rauch family requested a further review and, in October 2023, the former Commissioner called the public hearing. The public hearing took place on various dates in April through September 2024.

In calling the Public Hearing, the OPCC identified concerns about the nature of the ARWEN deployment along with the need to gain clarity on the law respecting the duties of police to make notes or otherwise account for their actions, especially following incidents that result in death or serious injury.

Prabhu Rajan
Police Complaint Commissioner

2nd Floor, 947 Fort Street
PO Box 9895 Stn Prov Govt
Victoria, British Columbia V8W 9T8
Tel: (250) 356-7458 Fax: (250) 356-6503

Toll Free 1 877-999-8707 ☎ Website: www.opcc.bc.ca

Statement from Prabhu Rajan, Police Complaint Commissioner:

“On behalf of my office, I offer my sincere condolences to the Rauch family and friends.

This public hearing was the first to be called under the British Columbia *Police Act* into a person’s death and involved difficult and challenging circumstances. Ms. Rauch lost her life, and her family and friends are surely continuing to deal with their tragic loss. All involved, including Sergeant Kirkwood and the many first responders, dealt with a traumatic experience.

The issues raised in this case were serious and connected to loss of life, and there was meaningful uncertainty as to what happened. The various steps and time taken in this civilian oversight process was required to fully understand what occurred on that fateful day and to ensure the public’s confidence in policing. I am hopeful that lessons can be learned from this tragedy.”

About the OPCC and Public Hearings:

- The OPCC initiates mandatory *Police Act* investigations whenever death or serious harm results from an incident involving municipal police officers or in instances where someone is in the care or custody of police. These investigations are separate and distinct from investigations by the Independent Investigations Office (IIO) and are not restricted to evidence gathered by the IIO.
- A Public Hearing is not limited to the evidence and issues canvassed at the discipline proceeding. The Police Complaint Commissioner can appoint Commission Counsel to act on their behalf during Public Hearings.
- A retired judge is appointed to sit as the Adjudicator and review the evidence, hear sworn testimony, and arrive at a decision as to whether there is misconduct and, if necessary, determine the corrective and/or disciplinary measures to be imposed.
- The Police Complaint Commissioner is a civilian, independent Officer of the Legislature overseeing complaints, investigations and discipline involving municipal police in British Columbia. For more on the OPCC, visit <https://opcc.bc.ca/about-us/>

Media Contact: Andrea Spindler, Deputy Police Complaint Commissioner
1-250-356-7458

- 30 -