

British Columbia: RCMP cleared in death of detained youth

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On September 5, Crown prosecutors exonerated a Royal Canadian Mounted Police (RCMP) constable for shooting Ian Bush, a 22-year-old sawmill worker, in the back of the head. Bush was shot 20 minutes after his arrest on October 29, 2005, for holding an open beer in the parking lot of a hockey arena in Houston, British Columbia. At the time of his death, he was in the process of being released by the police agency.

It took nearly one year after the incident for British Columbia's Criminal Justice Branch to reach their finding that RCMP Constable Paul Koester acted in self-defense.

When reporters asked British Columbia Attorney-General Wally Oppal how, if it were a matter of self-defense, Ian Bush could have been shot in the back of the head, he answered, "It's a struggle, and if you figure out the logistics of what happened, the officer's evidence makes sense."

This explanation is suspect given that when the young victim was shot in the RCMP interview room, Koester was the only officer present and the video and audio equipment were turned off.

The young Mr. Bush was arrested outside the local arena for having an open beer and giving a false name when questioned by Koester, who then led him away in handcuffs. Twenty minutes later Bush, described as "one of the nicest kids" in Houston with no history of violence, was dead. Angry residents from the town of 3,700 had been holding monthly vigils until they were disbanded by the Mounties.

"We expected to hear that the police officer who shot my son would be set free," Dawson Bush, Ian's father, told the media. "There is no possible way this man should walk away with a smile on his face after he shot my son to death without one single thing happening.

"When have you ever heard that a person was shot in

the back of the head for resisting release from custody? How come the tape wasn't rolling? I do hope that the Coroner's inquest will open more doors for us. We also have a civil lawsuit taking place because we want to get to the bottom of this. Just what happened? That's what we need to know," said Mr. Bush.

The elder Bush was attending the same hockey game as Ian, who was in possession of a beer outside of the arena between periods when two policemen arrived. The officers began pouring the beer out and when Ian twice gave a false name, one of them said, "That's Ian Bush." Ian was then arrested.

Ian's mother, Linda Bush, commented to reporters on the exoneration: "It's absolutely what we expected, but it's still hard. Right from the first, the tone by the police was that it was self-defense. I never believed he [Koester] would be charged." In May, Mrs. Bush launched a lawsuit against Koester, Attorney-General Oppal and Solicitor-General John Les, alleging that Ian died from "the unlawful assault and negligence" of Koester.

"I'm frustrated and angry and sad—our whole family is," stated Ian's sister, Andrea Patrick, who also said that she was not surprised that no charges were filed. "It's unfathomable, for god's sake. I can't even think about how it could have gone from that small tiny thing of the beer to what happened. Ian was just not the sort of person who would have turned on that cop for no reason," she said.

Ms. Patrick said that the police have yet to release any details of their investigation to the family.

In its first press release issued many hours after the shooting, the RCMP claimed that Ian Bush had become "very violent and attacked the officer." The release merely stated that "a violent struggle ensued and the 22-year-old male died at the scene."

Jason Gratl, the British Columbia Civil Liberties Association president, told the press on Wednesday, “From the point of view of the public it’s constant darkness and that’s no accident. The RCMP has turned off the lights.

“This case is receiving an extraordinary high level of secrecy. We, because we don’t know all the information, are at a loss to explain why. But what we can say is the underlying fact pattern—the bullet in the back of the head—reeks to high heaven.”

The annual report of the Commission for Public Complaints Against the RCMP, tabled with Parliament in August, exposes the extent to which the powers of the police have been built up since the 2001 Anti-terrorism Act: “Today’s RCMP benefits from recent legislative changes that have further enhanced its extensive powers of surveillance, search, seizure and arrest.”

Former commission chairwoman, Shirley Heafey, said the RCMP routinely tries to sideline complaint investigations. Heafey told the media regarding the Bush killing, “They say look, it’s been through the courts. That’s it. You don’t need to know anything more. Or they will say the coroner looked at it and that’s enough.”

Jason Gratl also said Attorney-General Oppal should have ordered the appointment of a special prosecutor to handle the investigation into Koester because Ian Bush’s family had named his ministry and the solicitor general’s ministry in its civil suit against the RCMP. The Crown ruled out charges against Koester based on an RCMP investigation, which Gratl called “an inherent conflict of interest.”

The RCMP is legally entitled to investigate itself in shooting deaths. Once its investigation into the Bush death was complete, the agency asked the local police force in New Westminster, BC, to review its work. At the same time, an RCMP-led team was investigating a New Westminster officer in the fatal shooting of 16-year-old Kyle Tait while he was sitting in a stolen SUV in August 2005. A decision has yet to be announced in that case.



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