



**IN THE MATTER OF AN INJURY SUFFERED BY A
FEMALE WHILE IN THE CUSTODY OF THE R.C.M.P.
AT FORT ST. JOHN ON OCTOBER 22, 2018**

**DECISION OF THE CHIEF CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATIONS OFFICE**

Chief Civilian Director:	Ronald J. MacDonald, Q.C.
Legal Counsel:	Martin F. Allen
IIO File Number:	2018 – 134
Date of Release:	December 21, 2018

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Facts

The Affected Person (AP) complained to IIO investigators that while being taken into custody by a member of the Fort St. John RCMP, the Subject Officer (SO), on October 22, 2018, she had been “*slammed to the ground*”. The next morning she was admitted to hospital suffering from a mildly displaced fracture of her right collarbone. Her arm was placed in a sling and she was prescribed painkillers. The injury was serious enough to meet the mandate of the IIO, and was alleged to have occurred while AP was in police custody, so an investigation was undertaken.

Pursuant to the IIO’s Memorandum of Understanding with BC Police Agencies, and consistent with constitutional principles, the SO was not required to provide evidence in the investigation. On October 31, 2018, however, he provided a voluntary statement. IIO investigators also analyzed other evidence including statements from civilian witnesses and a second officer, as well as videos from a civilian witness and from the interior of the RCMP detachment.

On October 22, 2018, officers responded to calls about a female (AP) acting in a disturbing manner in a residential area. AP was found to be severely intoxicated, and paramedics were summoned to transport her to hospital. The intent of the officers was to apprehend her under the *Mental Health Act*, but the ambulance attendants were unwilling to transport her.

AP then became uncooperative and fled across a four-lane highway. The SO pursued her and took her to the ground on the far side of the highway. She was found to be in breach of court conditions, and was placed under arrest. A second officer arrived to assist, and their dealings with AP were recorded on video by a civilian witness.

AP was transported to the RCMP detachment and was lodged in a cell. Her actions, and those of the involved officers, were recorded on CCTV video. AP was determinedly uncooperative as she was moved from the SO’s vehicle through the booking area and hallway and into a cell. As the cell door was closing, she ran at it and drove her right shoulder into the area where the door was just meeting the door jamb. A few minutes later she climbed onto the cell toilet, lost her balance, and fell backwards onto the concrete floor. When she was visited by legal counsel a few hours later, she stated that her shoulder was sore.

Relevant Legal Issues and Conclusion

The purpose of any IIO investigation is to determine whether an officer, through an action or inaction, may have committed any offence in relation to the incident that led to the injury to AP.

In the circumstances of this case, the officers were legally authorized to detain AP, initially under the *Mental Health Act* and then, when denied assistance by paramedics, for

causing a disturbance and for breach of court conditions. They had also seen her placing herself in danger by running across the street through traffic.

From the evidence as a whole, other than AP's description of her initial apprehension as having been "slammed" to the ground, there is no reason to conclude that the physical handling of AP was in any way unjustified, unreasonable or excessively forceful. She was consistently uncooperative, and officers were justified in using the measured force required to overcome her resistance and to place her in the cell. The most likely cause of her injury appears to have been her own action subsequently, in running against the cell door, as it is unlikely she would have taken that action if her shoulder had already been injured.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider that an officer may have committed an offence under any enactment and therefore the matter will not be referred to Crown counsel for consideration of charges.



Martin F. Allen
Legal Counsel

December 21, 2018

Date



Ronald J. MacDonald, Q.C.
Chief Civilian Director

December 21, 2018

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