



**IN THE MATTER OF THE DEATH OF A FEMALE
IN VICTORIA, BRITISH COLUMBIA DURING AN INTERACTION WITH
VICTORIA POLICE
ON SEPTEMBER 29, 2018**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

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Facts

At 2:00 a.m. on September 29, 2018, police attended the Songhees area of Victoria following reported threats to a security guard. A search of the area failed to locate the suspects; however, at 2:28 a.m. officers discovered a female, the Affected Person (AP), not related to the initial call sitting on a rock at the water's edge below the sea wall.

Officers attempted to verbally engage AP without response. AP proceeded to cause self-inflicted wounds. Officer 1 deployed a Conducted Energy Weapon (CEW) in an attempt to stop further self-harm. The CEW deployment was not successful in preventing further self-harm and AP quickly lost consciousness. Officers were then able to remove AP to above the sea wall and provide medical assistance until Emergency Health Services (EHS) arrived. AP was transported to hospital and declared deceased.

Due to the presence and actions of the police officers, the Independent Investigations Office (IIO) was notified by the Victoria Police at 6:55 a.m. the same day and commenced its investigation.

Evidence collected during the investigation included the following:

- 1) Statements of two witness officers;
- 2) CEW download data;
- 3) Police communication records (PRIME);
- 4) AP's medical records.

On September 29, 2018 at 2:00 a.m., Victoria Police received a call regarding threats made to a security guard by a male and female in the Songhees area of Victoria. The caller indicated that they were heading south towards the Victoria Ocean Pointe Resort hotel and gave a description of both persons.

Several officers responded to the call and searched the area. At 2:28 a.m., Officer 1 was on the Songhees Walkway and shone a flashlight over the edge of the sea wall. Officer 1 noticed a female sitting on the rocks with her legs in the water about 10 to 12 feet below. Between Officer 1 and AP was a seven foot high stone wall with a metal railing down to rocks at the shoreline. AP did not match the description of the female from the original 911 call.

Witness Officer 2 stated that prior to officers taking any action AP caused self-inflicted wounds with a knife. Witness Officer 1 witnessed AP cause self-inflicted wounds with a knife.

Officer 1 and Witness Officer 1 made their way over the rocks to reach AP. Officer 1 slipped on the rocks on the way down. The terrain made getting to AP quickly very difficult.

As Officer 1 and Witness Officer 1 approached AP's back, Officer 1 calmly but firmly told AP to drop the knife. AP did not respond or comply. Witness Officer 2 stated AP did not acknowledge Officer 1 and the self-harm was deliberate.

Officer 1 deployed his Conducted Energy Weapon (CEW) in an attempt to incapacitate AP and to disrupt her actions to allow officers a degree of safety to detain AP. The CEW appeared to work at first, but as soon as it stopped AP resumed self-harm. Officer 1 made further attempts to use the CEW but they did not seem to have an impact on AP.

According to the data downloaded from the CEW, it showed the device worked successfully the first time, but after that all the uses of the CEW were unsuccessful. This data is completely consistent with the statements of the officers.

When AP appeared to be losing consciousness, Officer 1 and Witness Officer 1 reached AP and moved her away from the water. Other officers in attendance lifted AP to dry land on the other side of the wall and provided medical assistance until Emergency Health Services (EHS) arrived.

AP was transported to Victoria General Hospital but did not survive her injuries. Her only injuries were those she caused to herself.

Conclusion

The objective of any IIO investigation is to determine if an officer, through an action or inaction, may have committed any offence in relation to the incident that led to AP's death.

Based on all of the evidence collected in this investigation, the officers attempted to resolve the situation with communication and the assistance of a CEW to prevent further harm. Statements from witness officers, which were corroborated by Computer Assisted Dispatch records and CEW data records, demonstrated that the actions of the officers did not in any way contribute to AP's tragic death.

The evidence collected does not provide grounds to consider any charges against any officer. Furthermore, it does not appear there was any causal connection between AP's death and any action or inaction on the part of the police. Rather these officers fully met their duty to protect and save life by attempting to intervene with AP before she could take her own life. Unfortunately, their efforts were unsuccessful.

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.



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

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