



PUBLIC REPORT OF THE  
CHIEF CIVILIAN DIRECTOR

Regarding the death of an adult female on  
December 23, 2014, involving an officer of the  
Vancouver Police Department.

IIO 2014-000218

## INTRODUCTION

The Independent Investigations Office (IIO) is responsible for conducting investigations into all officer-related incidents which result in death or “serious harm” (as defined in Part 11 of the *Police Act*) within the province of British Columbia. The Chief Civilian Director (CCD) of the IIO is required to review all investigations upon their conclusion, in order to determine whether he considers “that an officer may have committed an offence under any enactment, including an enactment of Canada or another province” (see s.38.11 of the *Police Act*). If the CCD concludes that an officer may have committed an offence, he is required to report the matter to the Criminal Justice Branch. If the CCD does not make a report to the Criminal Justice Branch, he is permitted by s.38.121 of the *Police Act* to publicly report the reasoning underlying his decision.

In this public report, the CCD may include a summary of circumstances that led to the IIO sustaining jurisdiction; a description of the resources that the IIO deployed; a statement indicating that the IIO, after concluding the investigation, has reported the matter to the Criminal Justice Branch; or a summary of the results of the investigation if the matter has not been reported to the Criminal Justice Branch.

**This is a public report related to an investigation into the death of a female adult on December 23, 2014, in Vancouver. On December 15, 2014, the affected person became unconscious while in the custody of the Vancouver Police Department. She was transported to hospital where she remained until her death on December 23.**

Pursuant to s.38.11 of the *Police Act*, RSBC 1996 Chapter 367, the CCD has reviewed the concluded investigation. The CCD does not consider that any officer may have committed an offence under any enactment and will not be making a report to the Criminal Justice Branch.

In this public report, he is only permitted to disclose personal information about an officer, an affected person, a witness, or any other person who may have been involved if the public interest in disclosure outweighs the privacy interests of the person. Prior to disclosing any personal information, the CCD is required, if practicable, to notify the person to whom the information relates, and further, to notify and consider any comments provided by the Information and Privacy Commissioner (s.38.121(5) of the *Police Act*). In this case, the CCD has considered the advice provided by the Information and Privacy Commissioner. In this report, the CCD will not be using the name of the affected person or of any other person involved in this matter.

## **NOTIFICATION AND JURISDICTION DECISION**

On December 15, 2014 at approximately 6 a.m., police were responding to a 911 call of a woman causing a disturbance at a family member's residence.

She was taken into custody and transported to the jail. There, she was found unresponsive in the back of the police van. She was taken to hospital where she remained until her death on December 23, 2014.

The IIO was notified and sustained jurisdiction as the affected person's death falls within the definition of "serious harm" as defined in the *Police Act*.

## **INVESTIGATIVE EVIDENCE CONSIDERED**

Evidence examined includes radio communications, the 911 call, computer-aided dispatch reports, maps of the scene, forensic evidence, medical records related to the affected person, and statements made by a civilian witness and paramedics. Interviews were also conducted with two witness officers. The subject officer declined to make a statement, which is his right under the Charter.

## **GENERAL TIMELINE FROM POLICE COMMUNICATIONS**

The following sequence was established by reviewing video evidence and radio transmissions:

6:08 a.m.	911 call
6:14 a.m.	Witness officer 1 arrived at scene
6:19 a.m.	Witness officer 2 arrived at scene
6:38 a.m.	Subject officer arrived on scene
7:07 a.m.	Subject officer (radios) " <i>One female on board going to jail</i> " along with the police vehicle's mileage as 92,297
7:21 a.m.	Subject officer (radios) " <i>On scene at 2120 [Cambie Street]</i> "
7:24 a.m.	Subject officer (radios) " <i>One on board for jail</i> "
7:31 a.m.	Subject officer (radios) " <i>On scene at jail. Mileage 92,307</i> "
7:31 a.m.	Door to sally port <sup>1</sup> opens
7:32 a.m.	Subject officer is seen out of the police van
7:32 a.m.	Subject officer is seen at the booking counter with the affected person's belongings

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<sup>1</sup> A sally port is a secure and confined entryway into a prison that consists of a series of doors to prevent any escapes.

7:42 a.m. Subject officer is seen leaving the counter  
7:42 a.m. Subject officer is seen in the sally port accompanied by one member of jail staff  
7:43 a.m. Subject officer opens left inner door of van and looks inside  
7:43 a.m. Subject officer gets into van  
7:43 a.m. Jail staff arrives  
7:44 a.m. Jail staff gets wheel chair from other end of sally port and takes it to van and immediately takes it back  
7:45 a.m. Additional jail staff and two nurses arrive at van  
7:45 a.m. Subject officer and jail staff lift the affected person out of van onto ground  
7:45 a.m. Affected person is seen on the ground examined by a nurse  
7:45 a.m. Nurse runs to get wheelchair and brings it to van  
7:46 a.m. Affected person is lifted into wheelchair  
7:48 a.m. The jail physician and other staff arrive  
7:48 a.m. Affected person is lifted out of wheelchair and placed on the floor. Her hands can be seen to be handcuffed behind her back  
7:49 a.m. Physician is seen kneeling down by the affected person's head  
7:49 a.m. Subject officer is seen kneeling down and removing handcuffs  
7:50 a.m. Physician uses stethoscope to examine the affected person  
7:50 a.m. Physician finishes examination and speaks with subject officer  
7:52 a.m. Ambulance 1 arrives in the sally port  
7:53 a.m. A paramedic is seen kneeling down by the affected person  
7:54 a.m. Additional paramedics attend and engage in resuscitation  
7:57 a.m. A second ambulance arrives in the sally port  
8:09 a.m. Affected person is loaded into the ambulance

## **AFFECTED PERSON**

The affected person was in hospital and on advanced life support from the day of her arrest on December 15, 2014 until her death on December 23, 2014.

According to the medical records, the cause of death was severe anoxic brain injury due to a cardiac arrest. This type of injury arises from a lack of oxygen to the brain as when a person's heart stops.

Toxicology reports indicate the affected person was likely impaired at the time of her arrest.

## **WITNESS OFFICERS**

### **Witness Officer 1**

Witness officer 1 (WO 1) was interviewed by IIO investigators on January 27, 2015. He stated that on December 15, 2014, at 6:08 a.m. he responded to a call of a break and enter in

progress. WO 1 said it took about 10 minutes for him to get to the scene near 33rd Ave. in Vancouver. When he arrived at the residence, he went to the back door and located the affected person.

WO 1 advised that the affected person was subsequently arrested. She was able to walk to the police van and get into the back unaided. WO 1 said that there was no indication that the affected person was in need of medical attention however he did note that she had a rash on her legs. WO 1 said that he telephoned the jail and asked the jail nurse to examine the affected person once she had been lodged in cells.

WO 1 stated that the subject officer (who was the van driver) placed handcuffs on the affected person. When she complained about them hurting a sore on her wrist, the subject officer readjusted them until she said they were okay. The subject officer opened the rear doors of the van. He advised the affected person that he would be searching her outer clothing pockets. The subject officer placed the affected person's property on the vehicle ledge in front of her. The affected person was asked to step up into the back of the van. WO 1 recalled that she hesitated at first. When the officers said they would help her, she got in on her own. The affected person left in the van with the subject officer while WO 1 returned to the residence to take statements from the occupants.

## **Witness Officer 2**

Witness officer 2 (WO 2) was interviewed by IIO investigators on February 4, 2015. He advised he was first to arrive on scene at the residence. He had a brief conversation with the homeowner and went to the side of the property where he located the affected person. When other officers arrived, WO 2 left the affected person with them while he went into the house to speak with the occupants. He said that at no time while dealing with the affected person or speaking with the occupants did he learn anything that made him think that she was in need of medical attention.

WO 2 did not see the affected person again before she left the scene.

## **CIVILIAN WITNESS**

IIO investigators interviewed the homeowner on December 15, 2014. While the affected person was known to him, she was not welcome at his residence.

He advised that earlier that morning, at 6 a.m. he heard a noise in his basement and discovered the affected person was inside his house. He managed to remove her from the house while his partner telephoned the police. He advised that he did not observe any interaction between the police and the affected person and that he did not observe anything to suggest that she was in medical distress.

## **Emergency Health Services**

Paramedic 1 was interviewed by IIO investigators on January 20, 2015. He advised that on December 15, 2014 he was a primary care paramedic and was dispatched to the Vancouver Jail for a cardiac arrest. He said he arrived at 7:53 a.m. and saw the affected person on the ground at the rear of the police van. She had a number of people standing around her including firefighters who appeared to be applying an AED. Paramedic 1 said he did not see CPR being performed on the affected person. He recalled that he shouted out, “when was she last conscious” and various people replied “5 minutes”.

CPR was subsequently started. He said that a short time later the Advanced Life Support (ALS) ambulance arrived and administered medication while CPR continued. After two rounds of CPR there was a return of spontaneous circulation (i.e. a pulse) and the affected person was transported to hospital.

Paramedic 2 was interviewed by IIO investigators on January 28, 2015. On December 15, 2014, she was working as an advanced life support paramedic with two other colleagues. At 7:50 a.m. they were dispatched to Vancouver Police jail for a person in cardiac arrest.

When they arrived, there was a basic life support ambulance crew attending to the affected person. Paramedic 2 said she spoke with the subject officer who informed her that the affected person was intoxicated but had been able to walk to the police van. Further, the officer advised that the affected person had showed no indication of being unwell.

Paramedic 2 said the same officer told her he had heard the affected person moving around in the back of the police vehicle. Paramedic 2 advised she was concerned about what she observed to be old injuries such as bruising and a possible infection. She thought the affected person may have smelled of alcohol. Paramedic 2 said that she believed that CPR should have been started sooner than it was.

## **ISSUES**

The general issue in any IIO investigation is whether a person suffered death or “serious harm” as a result of the actions of an officer, and if so, how and why. If the CCD considers that an officer may have committed an offence, then he must forward a report to the Criminal Justice Branch.

There is no evidence that any force was used against the affected person at the time of her arrest and so the legal issue to be considered in this case is whether the subject officer took the appropriate and proper care of someone under his control. If the subject officer did not, he

could be liable for the offence of criminal negligence or of failing to provide the necessities of life. Culpability in this case is governed by the following Criminal Code provisions:

1. Every one is under a legal duty to provide the necessities of life to a person under his charge, if that person is unable, by reason of detention, age, illness, mental disorder or other cause, to withdraw himself from that charge, and is unable to provide himself with the necessities of life. (section 215 (1) (b) and (c)).
2. Every one commits an offence who, being under a legal duty within the meaning of subsection (1), fails without lawful excuse, the proof of which lies upon him, to perform that duty, if (b) ...the failure to perform the duty endangers the life of the person to whom the duty is owed or causes or is likely to cause the health of the person to be injured permanently. (section 215 (2)(b))
3. Every one is criminally negligent who (a) in doing anything, or (b) in omitting to do anything that it is his duty to do, shows a wanton or reckless disregard for the lives or safety of other persons. (section 219(1))

## **ANALYSIS**

From the timeline, it is clear that the subject officer reported his mileage as 92,297 and that he said he had “one female on board going to jail” at 7:07 a.m. By doing so, the jail was alerted that he was bringing a female to the jail.

He next announced his arrival at the Cambie Street Police building a little less than 14 minutes later at 7:21 a.m. and again announced his departure 3 minutes and 26 seconds later saying “one on board for jail”.

He arrived at the Vancouver Jail on 275 East Cordova Street at 7:31 a.m. and announced his mileage as 92,307. His time of arrival is confirmed by video from the jail’s surveillance camera as the sally port commences opening at 7:31 a.m. His total trip was 23 minutes and 18 seconds including a short stop at the Cambie Street Police building.

The evidence from medical reports and witnesses who interacted with the affected person was that she was intoxicated. The statements of both witness officers are clear that neither officer perceived any medical distress being experienced by the affected person. Witness officer 1 confirmed that the affected person was able to get into the police van unassisted.

The Vancouver Police Department (VPD) policy requires their members to check on the well-being of persons in their custody, particularly when a considerable delay has interrupted the transportation of prisoners (in this case the delay was not of a length that could in any way be classified as considerable), or the prisoner being transported has been injured or suffers from a medical condition.

VPD policy also requires that where a male officer is transporting a female, he must summon jail staff to the sally port to conduct the prisoner search. The jail had been alerted to the fact that a female prisoner was coming in. Prior to this search, several procedures must be followed regarding cataloguing the prisoner's effects and securing firearms. From the timeline, it is clear that the subject officer followed these procedures.

Accompanied by jail staff at 7:43 a.m., the subject officer opened the outer doors of the police van and then the inner doors. On seeing the affected person unconscious, he got into the van to give her assistance.

Other jail staff arrived at the van including the two jail nurses. The affected person was removed from the van.

At 7:48 a.m. the jail physician and more jail staff arrived. At 7:49 a.m. it appears that at the direction of jail medical personnel, the subject officer removed the handcuffs from the affected person. That was the end of his involvement.

Based on this information, the CCD is satisfied the subject officer performed his duties according to VPD policy. There is no evidence that the subject officer failed to perform his duties surrounding the care of someone under his control and therefore there is no evidence of any reckless disregard for the life or safety of the affected person.

When the affected person was discovered in medical distress, she was attended to by a number of medical professionals at the jail. The action of these professionals does not fall under the jurisdiction of the IIO. As such, their conduct is currently subject to examination by the appropriate regulatory body.

## **CONCLUSION AND DECISION**

Based on all of the evidence collected during the course of this IIO investigation and the law as it applies, the CCD does not consider that any police officer may have committed an offence under any enactment and therefore the matter will not be referred to the Criminal Justice Branch nor will the IIO take any further action in relation to this case.

**Richard Rosenthal**  
**Chief Civilian Director**

November 2, 2015.