



**IIO CONCLUDES INVESTIGATION OF ARREST THAT TOOK PLACE IN  
NANAIMO, BRITISH COLUMBIA ON FEBRUARY 22, 2018**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

General Counsel:

Clinton J. Sadlemyer, Q.C.

IIO File Number:

2018 - 025

Date of Release:

April 11, 2018

---

THIS PAGE INTENTIONALLY LEFT BLANK

## Facts

On February 22, 2018 at approximately 3:45 p.m. Oceanside RCMP attempted to stop a vehicle which was reported stolen. The vehicle did not stop and Oceanside RCMP did not engage in a pursuit but reported the situation over the police radio.

At approximately 4:30 p.m. an officer with the Nanaimo RCMP observed the stolen vehicle (a truck) and followed it onto Highway 19A without initiating a stop. The driver of the stolen vehicle, the Affected Person (AP), then attempted an illegal U-turn, and due to the large turning circle the vehicle went into the ditch.

The officer pulled his police vehicle in front of the truck to prevent further driving. AP and a passenger exited the vehicle. AP ran away from the road, west into the wooded and snow covered area. The terrain is rough and climbs uphill to a railway line where it levels off. A Police Service Dog unit was deployed and tracked AP with a cover officer following his tracks in the snow.

AP was tracked for a short distance before being contained by officers with the assistance from the police service dog. AP refused to comply with police directions and a physical struggle ensued before AP was taken into custody. AP was then taken to hospital for treatment, where it was found he had sustained puncture wounds to his back, some facial lacerations and a fracture to the right ankle.

Medical evidence suggests that the type of ankle fracture is indicative of AP running and or jumping, which was likely caused when AP was trying to escape from police officers and not from any contact during arrest.

The Independent Investigations Office (IIO) was notified by the RCMP at 9:25 p.m.

The IIO commenced its investigation as AP was injured during an interaction with police and his injuries met the established definition of serious harm. A determination was required of whether there were any wrongful actions or inactions on the part of the officer in connection with AP's injuries.

Evidence collected during the investigation included the following:

- 1) Statements from AP and a civilian witness;
- 2) Photographs of the scene;
- 3) Police communication records (CAD/Prime);
- 4) AP medical information;

During an interview on February 27, 2018, AP told the IIO he was not aware of having injured his foot and or ankle until he was being escorted back to the police vehicle. He did not make any allegations of police causing the injury during his arrest. He confirmed to the IIO that he "*dove into the ditch*" while fleeing police.



AP suffered two small lacerations from the police service dog, and the injuries required stitches and dressing only. There was no vascular or nerve damage and no lasting effects. These injuries do not meet the threshold of serious harm.

The evidence provided by the radiologist is that the fracture was to the small bone between the foot and the base of the leg bone (tibia) and occurred through vertical impact pressure between the foot and the tibia. The injury is indicative of a jump or fall and not from restraint.

### **Relevant Legal Issues and Conclusion**

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


More specifically, the issue to be considered in this case is whether any involved officer may have committed any offence through action or inaction, in dealing with AP.

It is evident that AP was evading Oceanside RCMP by failing to stop and continued to evade police after the stolen vehicle he was driving landed in a ditch in Nanaimo. It is also clear, based on medical evidence, that AP's leg injury was the result of his own actions when running away from police. Furthermore, AP did not make any allegations of police wrongdoing or causing injury to his foot during his arrest.

The actions of police are justified as there were reasonable grounds to detain the driver of the vehicle as part of the investigation into the stolen vehicle. The foot pursuit was not inherently dangerous and therefore appropriate.

Following a review of all the evidence collected during the course of this investigation there is no evidence that the officers committed any offence in the course of this interaction with AP and therefore there are no grounds to consider any charges.

Accordingly, as the Chief Civilian Director of the IIO, I consider that police were acting fully in accordance with their duties in making this arrest and therefore, the investigation is concluded.

  
\_\_\_\_\_  
**Clinton J. Sadlemyer, Q.C.**  
**General Counsel**

April 11, 2018  
**Date of Release**

  
\_\_\_\_\_  
**Ronald J. MacDonald, Q.C.**  
**Chief Civilian Director**

April 11, 2018  
**Date of Release**