



**IN THE MATTER OF THE SERIOUS INJURY OF A MALE
FOLLOWING THE RELEASE FROM RCMP CUSTODY
IN PRINCE GEORGE, BRITISH COLUMBIA
ON SEPTEMBER 15, 2018**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2018 - 114

Date of Release:

December 17, 2018

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Facts

At 5:53 p.m. on September 14, 2018, RCMP officers attended to a report of a disturbance in Prince George. A number of intoxicated people were present and an Affected Person (AP) was arrested by for an alcohol related offence. AP was placed in a prison cell at 6:46 p.m. and detained until 2:54 a.m. on September 15, when AP exited the RCMP detachment after officers determined AP was fit for release.

At 2:57 a.m., AP was struck by a motor vehicle while crossing Victoria Street.

AP was taken to hospital and treated in ICU for several injuries including broken ribs, a broken arm, a head injury and additional fractures.

Due to the interaction with police officers prior to AP's injuries, the Independent Investigations Office (IIO) was notified by the RCMP at 8:25 a.m. the same day and commenced its investigation.

Evidence collected during the investigation included the following:

- 1) Custody Closed-Circuit Television (CCTV);
- 2) A review of relevant police reports.

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. AP was not able to communicate with the IIO during the investigation and subsequently died as a result of their injuries'.

Police have a duty to protect life. If an individual is released from custody in a condition where he is unable to care for himself and as a result is injured or killed, the actions of the police may constitute an offence.

In this case, the IIO investigated to determine if AP was fit for release from cells and whether the actions of officers contributed to the incident.

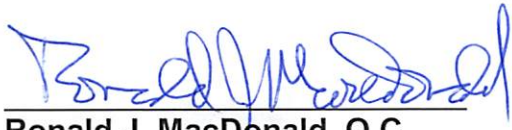
A review of video footage captured by CCTV showed AP as he was released from cells. His behaviour and actions show a person who showed no signs of impairment. The recording also showed AP talking to officers and walking away from the detachment in a coordinated manner. In addition, AP was dressed appropriately for weather conditions. The information from the police reports corroborate that AP was fit when he was released.

AP's release more than eight hours after the arrest was ample time for the effects of intoxication to dissipate.

CCTV shows AP walked eastbound in the direction of home and did not look before crossing a four-lane street. A southbound vehicle appeared to slow down to let AP cross; however, moments later AP was struck by a northbound vehicle.

The IIO investigation confirms that AP was fit for release and there is no connection between the actions of officers and serious injuries AP sustained. Indeed, once AP was sober, the police had a duty to release him from custody.

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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