



**IN THE MATTER OF THE INJURY OF A MALE
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP
IN THE CITY OF SURREY, BRITISH COLUMBIA
ON AUGUST 10, 2019**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2019-143

Date of Release:

January 30 , 2020

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Introduction

On August 10, 2019, the Affected Person ('AP') suffered a broken right wrist during his attempt to flee the scene of an alleged home invasion and was arrested by officers employing a Police Service Dog ('PSD'). The Independent Investigations Office ('IIO') was notified and commenced an investigation. The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

- statements of AP and two witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- scene examination and photographs;
- audio recordings of police dispatch radio; and
- medical evidence.

Narrative

At 5:25 a.m. on August 10, 2019, Civilian Witness 1 ('CW1') called Surrey RCMP to report that she had seen two unknown males walking around her back yard and approaching her basement door. The two males were carrying what appeared to be firearms. Shortly afterwards, CW1 told IIO investigators, the two men entered her home and disabled the security cameras. She barricaded herself in her bedroom with her two dogs.

As police officers arrived at the scene, the two men fled the residence. One was tasered and taken into custody on the front lawn. His companion, AP, was able to escape. Found at the scene were two realistic-looking replica firearms.

Officer 1, a PSD handler, started to track AP, and within about a hundred metres the PSD stopped at a tree at the side of the road. It appeared to Officer 1 that there was a person on their hands and knees, hiding amongst the vegetation. Officer 1 issued multiple warnings that the dog would be sent in if the person did not come out and surrender.

Officer 2 told IIO investigators that he had gone with Officer 1, acting as 'lethal overwatch' for the tracking officer. He heard Officer 1 warning AP to come out, and then saw the PSD deployed. AP was pulled from the tree, handcuffed and taken into custody.

In his IIO interview, AP acknowledged that he was hiding in a tree when discovered by the police. He said that officers had shouted "It's the police, this and that, do this, do that," and then the dog had bitten him. He stated that he was bitten multiple times on the shoulder and back.

AP said he did not know when his wrist had been fractured, but first noticed pain in the wrist when the police handcuffed him and lifted him by his cuffed wrists. He also said he had fallen as he ran from the house. He demonstrated falling forwards with his arms up

to break his fall, but landing on his elbows with his hands in the air on either side of his head.

AP suffered minor puncture wounds from a dog bite and was taken to hospital to have them cleaned. He did not complain to police about any pain or discomfort in his wrist. At the hospital he was treated for a fractured wrist, and told the attending physician that he had fallen onto an outstretched hand, which caused the injury. Asked by IIO investigators if the injury was consistent with AP being lifted by his handcuffed wrists, the attending physician responded "I have not encountered this type of mechanism of wrist fracture during my practice in emergency medicine or my training." However, the fracture was consistent with a fall onto an extended hand.

Legal Issues and Conclusion

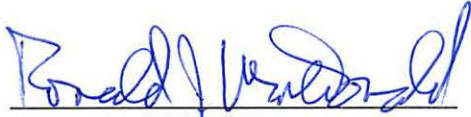
The purpose of this IIO investigation is to determine whether there are reasonable grounds to believe that an officer, through an action or inaction, may have committed any offence in relation to the incident that led to AP's injury. More specifically, the issue to be considered in this case is whether an officer may have used unjustified or excessive force in the course of AP's arrest.

The evidence collected does not provide grounds to consider any charges against any officer. Officers 1 and 2 were justified in pursuing AP from the scene of a serious crime, and in employing the PSD against AP when he failed to surrender as ordered. They had good reason to be concerned about whether AP might still be armed with some form of weapon, and gave him the chance to surrender without the use of the PSD. There is nothing in the evidence to suggest any excessive use of force, other than AP's allegation to IIO investigators that his wrist injury was caused during the arrest.

That wrist injury was not caused by the PSD, as it is in a different location from the dog bite, which was in any case quite minor. In fact, the evidence supports a conclusion that the injury occurred when AP fell as he fled the scene of the alleged home invasion for two reasons.

First of all, the nature of the injury is entirely consistent with how AP described his fall when he spoke to the physician: falling on an outstretched hand as he ran from police. Secondly, when he described the incident to IIO investigators, AP demonstrated falling onto the points of his elbows with his wrists protected. Common sense suggests this is highly improbable, as that is not how people fall forward. It also contradicts what he said at the hospital. Simply put, it could not have happened that way. Therefore, the wrist injury occurred as AP ran from police, and not, as alleged by AP, after he was handcuffed. All force used by the police was justified in the circumstances. They had a duty to arrest AP as soon as possible given the seriousness of the alleged offence of break and enter with what appeared to be a firearm.

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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