



**IN THE MATTER OF THE DEATH OF A FEMALE
IN CONNECTION WITH THE ACTIONS OF MEMBERS OF THE RCMP
IN THE CITY OF SURREY, BRITISH COLUMBIA
ON AUGUST 13, 2019**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2019-145

Date of Release:

January 8, 2020

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Introduction

On August 13, 2019, the Affected Person (“AP”) in this case called 911 to say she was going to kill herself by jumping from her ninth floor balcony. Police officers attended at AP’s address and saw her sitting on the edge of her balcony. Officers broke through the apartment door. AP fell from the balcony, subsequently succumbing to her injuries. 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 one civilian eyewitness and three witness police officers;
- police Computer-Aided Dispatch (“CAD”) and Police Records Information Management Environment (“PRIME”) records;
- 911 call recording;
- audio recordings of police dispatch radio channel;
- scene examination and photographs;
- relevant material from AP’s apartment; and
- first responder and medical evidence.

Pursuant to section 17.4 of the Memorandum of Understanding between the IIO and BC Police Agencies, officers who are the subject of an investigation are not compelled to submit their notes, reports and data. In this case, the Subject Officer (“SO”) did not provide any evidence to the IIO.

Narrative

At 12:25 p.m. on August 13, 2019, AP called 911 saying she was going to commit suicide by jumping from her ninth floor balcony. Witness Officer 1 (“WO1”) was the first RCMP member to arrive at AP’s apartment building, quickly followed by SO, WO2 and WO3. All four officers went up to the ninth floor. By this time, AP had hung up on the police dispatcher, and was not answering return calls. The officers’ arrival and entry into the building were observed by Civilian Witness 1 (“CW1”).

Officers knocked at AP’s door and called out to her, but she did not respond. WO3 went back down, and from in front of the building saw AP sit up on the balcony railing. WO3 called the other officers to update them. He told IIO investigators that as he did so, he saw AP push herself backwards over the railing, let go with her hands and fall to the concrete in front of him. CW1 was still in the area of the building entrance, and also witnessed AP fall. She told IIO investigators that shortly after this she saw a police officer looking down from a balcony above, though she could not be sure that this was the balcony from which AP had fallen.

WO1 described having taken turns with WO2, knocking on AP's door and calling out "this is the police," and "we're here to talk to you, come to the door please." There was no response from AP. When WO3 radioed to say he could see AP sitting up onto the balcony railing, said WO1, SO gave a signal that WO1 understood to mean "'breach the door, we're going in'."

WO1 said he delivered two or three kicks to the apartment door and entered. He saw AP sitting on the balcony railing, facing inward. As he made eye contact with her, he said, she rolled back with her hands still gripping the top rail. WO1 ran forward through the apartment, "and I reached my arm out and I tried grabbing anything," but by the time he reached the balcony he was too late: AP had lost her grip and was falling. SO and WO2 had entered the apartment behind WO1 and when they realized AP had fallen they turned back to go down to ground level, leaving WO1 to secure the apartment.

By now, officers at ground level were trying to help AP, and had radioed to update paramedics. AP was not breathing, and WO4 started chest compressions. When WO3 brought an Automatic External Defibrillator ("AED") from a police vehicle, it indicated "shock not recommended."

WO2 said that when he reached the area in front of the building, he found WO4 performing compressions on AP and assisted with rescue breaths. He stepped back as an ambulance arrived and advanced life support paramedics moved in to attend to AP. They were not able to resuscitate AP, and she was subsequently declared deceased from her injuries.

Legal Issues and Conclusion

The purpose of any 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 the resulting death or serious harm. More specifically, the issue to be considered in this case is whether an unlawful action or inaction of any officer may have directly or indirectly precipitated AP's fall and subsequent death.

There is no evidence capable of suggesting that any officer directly caused AP's death. That leaves for consideration the decision of SO to order WO1 to breach the apartment door and enter.

The duty of all involved officers was to take whatever steps they reasonably could to prevent AP from committing suicide—as she had clearly indicated she intended to do—and to preserve her life. When SO observed that officers were unable to get any response from AP through her locked apartment door, and received the news that she had climbed

up on the balcony railing, he was faced with a conundrum. He had to make a choice between continuing to attempt communication from the hallway in the hope that AP would not jump, and forcibly entering her home in the hope that an officer could reach her in time to pull her back to safety. He chose to act, and judging from the evidence WO1 came very close to saving AP's life. There is nothing in the evidence to suggest that AP would not have let herself fall from the balcony if police had remained outside in the hallway. She was clearly on the very point of doing so before they entered.

Certainly, no aspect of SO's decisions or actions can reasonably be seen as amounting to an offence. On the contrary, they were entirely reasonable. Situations such as this are challenging for the officers involved. In this case, the officers involved did everything they could to prevent AP from allowing herself to fall from the balcony.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider that there are reasonable grounds to believe 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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