



**IN THE MATTER OF THE DEATH OF A FEMALE
ON FEBRUARY 10, 2020,
IN THE VILLAGE OF LIONS BAY, BRITISH COLUMBIA,
AFTER AN INVESTIGATION BY MEMBERS OF THE RCMP
IN THE MUNICIPALITY OF NORTH VANCOUVER, BRITISH COLUMBIA
ON FEBRUARY 9, 2020**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2020-026

Date of Release:

September 25, 2020

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Introduction

On the morning of February 9, 2020, the Affected Person ('AP') was arrested and charged with a domestic assault. She was subsequently released from the North Vancouver RCMP detachment and was driven home by an officer. The involved officers were later informed of allegations that AP had previously threatened suicide, and they went back to AP's home and spoke with her. Based on her responses to their questions, they concluded that grounds did not exist under the *Mental Health Act* to apprehend her. In the evening of the same day, her vehicle was captured on home security video driving into a dead-end street in the village of Lions Bay on Howe Sound. At about 7:15 a.m. the next day the vehicle was seen burning, and AP's body was found lying on the ground a few feet from the vehicle. Because of the recent involvement of RCMP members in the case, 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 three civilian witnesses and one witness police officer;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- RCMP cell block video recordings; and
- Pathologist's report.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, the Subject Officer ('SO') did not provide any evidence to the IIO.

Narrative

At 9:32 a.m. on February 9, 2020, SO, in the company of the Witness Officer ('WO'), responded to a complaint of domestic violence and arrested AP at her North Vancouver apartment. SO transported AP to the RCMP detachment, where she was charged with assault and released on a Promise to Appear in court the following week. She was also given a condition to have no contact with the complainant. SO then drove AP home.

When SO returned to the detachment, he was informed that an individual who had been counselling both AP and the complainant had told police that AP had previously taken anti-depressants, had threatened to commit suicide in the past and had recently said she was going to send all her money to her mother and then kill herself. WO told investigators that AP had not said anything about suicide while she was in the company of the officers, either at her apartment or at the police detachment.

Ay 12:32 p.m., SO returned to AP's apartment, again accompanied by WO. On the way there, they received information that the assault complainant had also called police to relay similar allegations about AP's previous suicide threats.

WO said that SO spoke with AP at her front door for approximately ten minutes. WO said AP was upset, but denied making comments about suicide. WO said AP told the officers that she had no thoughts about harming herself. WO told IIO investigators that he had not formed the impression that AP was planning to harm herself, and said that both officers were satisfied there were insufficient grounds to apprehend AP under the *Mental Health Act*. The officers told AP that if she needed anything she could call them. They left AP's apartment building and had no further dealings with AP.

At about 9:00 p.m. that evening, a private security video system in Lions Bay recorded the headlights of a vehicle driving into a dead-end street. The video did not show any vehicle leaving the street subsequently that evening or overnight.

At 5:54 a.m. on February 10, 2020, AP texted her employer to say she was not feeling well and would not be going to work that day.

At 7:02 a.m., a Lions Bay resident saw a vehicle engulfed in flames at the end of the dead-end street. Running to the scene, he found AP lying on the roadway a few feet from the driver's door of the burning vehicle. AP was badly burned and appeared to be deceased.

The Pathologist who examined AP's body stated his opinion that the cause of death was "inhalation of a product of combustion". The RCMP investigated AP's death and concluded that there was no evidence of foul play.

Legal Issues and Conclusion

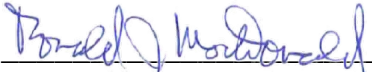
The purpose of any IIO investigation is to determine whether there are reasonable grounds to believe that an officer, through an action or inaction, may have committed any offence in relation to an incident resulting in serious harm or death. More specifically, the issue to be considered in this case is whether any officer may have committed an offence involving negligence in their dealings with AP.

On the evidence, both involved officers acted appropriately in dealing with AP with respect to the initial assault complaint. Upon receiving allegations that she had previously made remarks about committing suicide, they then promptly went back to her home to speak with her about those allegations. WO's evidence is that in the course of a conversation lasting several minutes AP denied the allegations, and denied any intention to harm herself.

The *Mental Health Act* contains a provision authorizing a police officer to apprehend and detain a person if satisfied that the person “is acting in a manner likely to endanger that person’s own safety or the safety of others, and is apparently a person with a mental disorder”. Those grounds may be formed on the basis of “information received”, but the officer must also consider evidence gained from his or her own observations. In this case, WO’s account makes it clear that the attending officers were presented with someone who not only denied having made suicide threats but also denied any intention to harm herself. There is also nothing in the evidence to suggest that AP appeared to be suffering from a mental disorder. The officers cannot be faulted for concluding that there were insufficient grounds to apprehend AP at the time they dealt with her.

It is also important to note that the evidence was unable to conclude whether the fire was deliberately set or caused accidentally. If the latter was the case the issue of AP’s mental state may have played no role in the matter.

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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