



**IN THE MATTER OF THE INJURY OF A FEMALE
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP
IN THE CITY OF PRINCE RUPERT, BRITISH COLUMBIA
ON MAY 29, 2020**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2020-109

Date of Release:

January 18, 2021

THIS PAGE INTENTIONALLY LEFT BLANK

INTRODUCTION

On the evening of May 29, 2020, Prince Rupert RCMP members encountered a male and a female at a secluded lookout point. The male was arrested for public intoxication and the female Affected Person ('AP') was told she was under arrest for breach of court ordered conditions. During the interaction, AP fell down a steep incline and was seriously injured. Because police officers had been involved in the incident, 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, two paramedics and nine witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- recordings of police radio transmissions;
- video recording from a police vehicle;
- scene photographs; and
- medical evidence.

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') declined to provide any evidence to the IIO.

NARRATIVE

At about 10:00 p.m. on May 29, 2020, SO and Witness Officer 1 ('WO1') responded to a call to investigate possible liquor and drug offences at a secluded treed area near the waterfront in Prince Rupert.

WO1 told IIO investigators that as he arrived and parked his police vehicle, he saw SO two or three hundred yards away, talking with a female civilian. The female walked away, and as she passed WO1, she told him there were other people in an area down a path through the trees. WO1 walked on down the path, and saw SO now talking with a male and a female (AP). The couple were lying together on a concreted area near a high, steep drop-off.

The officers separated the pair, with WO1 taking the male aside while SO spoke with AP. WO1 said that he and the male were about three or four feet away from SO and AP. He said that SO was to his left, and he could see her in his peripheral vision. The male, he said, was displaying sufficient signs of intoxication that it was necessary to arrest him for his own safety. Accordingly, he placed the male in handcuffs.

WO1 said AP was sitting on the ground in front of SO, and he heard SO running a radio check on her, and then telling her to stand up as she was under arrest (CAD records indicate that AP was in breach of a curfew condition). He said that as he started to walk away with the arrested male, out of the corner of his eye he saw AP quickly stand up, extend her fists and “charge” towards SO. He said he tried to grab AP as she rushed past, but mistakenly took hold of SO’s shirt instead, and AP continued forward, “kind of leaping off the edge”. WO1 said that SO herself ended up only about a foot from the drop-off.

AP’s recollection was that she had been having “a few drinks” with some friends, and acknowledged that she was out past her court-ordered curfew. She said that she recalled a female officer arriving and telling her she was under arrest:

I’m not a small person. I was having a hard time getting up. I think she thought I was messing around. I got up and was kind of staggering and she turned around to put the cuffs on me and I tripped. I was wearing like these stupid rubber sandals and the cement isn’t very straight and I tripped and went over. I think I was not so close to the edge that if she had not let go, I would not have fallen.

WO1 said that AP fell down an initial drop of about five feet, and then a further twenty or thirty feet. He said SO went to the edge looking down, called for an ambulance ‘Code 3’ (with emergency lights and siren), and then ran off to find a path down the hill. Responding officers found AP in a ditch at the bottom of the slope, estimated to be about 25 metres below the drop-off, lying on her back on an up-turned abandoned shopping trolley. She was able to get up and walk a few steps, but then collapsed. She was taken to hospital where she was found to have a serious head injury, many broken ribs and nerve damage in her limbs.

IIO investigators spoke with the male arrested by WO1, but he said he had no memory of the incident because of his state of intoxication at the time. There were no other witnesses to the events.

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 in deliberately causing AP’s fall.

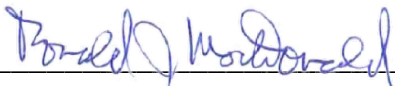
The attending officers were acting in lawful execution of their duty in investigating individuals suspected of consuming liquor and/or drugs in a public place. Further, when

SO received information that AP was out past her curfew she was acting lawfully in attempting to place her under arrest.

What happened next was described by WO1 as an apparently assaultive act by AP against SO, and by AP herself as a drunken accident. Neither suggests that SO did anything to cause AP to fall, beyond telling her to get to her feet and making moves to handcuff her. On a balance of probabilities, AP's account seems more likely accurate: an accidental stumble towards SO, caused by intoxication and AP's "stupid rubber sandals", probably with her hands out in an attempt to fend off SO or to steady herself, and a disastrous step over the edge. No fault attaches to either SO or WO1 for that.

On the evidence, officers including SO responded quickly and appropriately after the accident, in locating AP and getting her medical attention.

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

January 18, 2021

Date of Release