



**IN THE MATTER OF THE INJURY OF A FEMALE
SUBSEQUENT TO AN INVESTIGATION BY A MEMBER OF THE RCMP
IN THE VILLAGE OF CHASE, BRITISH COLUMBIA
ON OCTOBER 2, 2020**

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

Chief Civilian Director:	Ronald J. MacDonald, Q.C.
IIO File Number:	2020-242
Date of Release:	March 24 2021

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INTRODUCTION

Shortly after midday on October 2, 2020, Chase RCMP received a call about a young Indigenous female having thrown herself in front of a vehicle on Pine Street. While making patrols for this person, the Subject Officer ('SO') stopped and spoke with the Affected Person in this case ('AP'), who appeared to match the description of the female. AP did not seem to be impaired nor in any distress. She did not wish to speak with police and denied being the person involved with the complaint. She then walked away. Approximately five minutes later, police received a report that a female had jumped off the Pine Street Bridge. Officers attended and noted that this female was the same female spoken to by police. Because of the recent interaction between AP and a police officer, 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 from AP, five other civilian witnesses, one paramedic and two witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- Watchguard dash camera video recordings from two police vehicles;
- audio recordings of police dispatch channel transmissions;
- BC Emergency Health Services ('BCEHS') records; 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, SO did not provide any evidence to the IIO.

NARRATIVE

The call that Chase RCMP received on October 2, 2020, came in on the non-emergency line. The information received from Civilian Witness 1 ('CW1') was that a female youth (AP) had "pretended" to jump or dive in front of a delivery truck near the skate park on Pine Street. CW2, a civilian call-taker, told IIO investigators that she was told there were "a lot of kids" in the area, as it was lunch-time, so an officer might have difficulty locating the young woman in question. CW2 said that AP was described as seeming "out of it".

CW2 passed on the information to SO, who immediately left in his police vehicle to conduct a search. The physical description he was given was of an Indigenous female, 16 to 18 years old, wearing socks but without shoes.

Watchguard dash camera video from SO's vehicle shows that SO initially passed AP as he drove north on Pine Street. He turned around and drove back to where she was walking along the sidewalk. AP later told the IIO that SO stopped, got out of his vehicle and said to her, "I heard someone jumped in front of a car". AP said that she told SO to "fuck off", and walked away from him. The Watchguard video shows that SO's interaction with AP lasted for less than a minute before he left to drive back to the RCMP detachment. AP continued walking north on Pine Street.

Within a few minutes, police received a 911 call from a civilian who had seen AP fall from the Pine Street Bridge onto the beach beside the South Thompson River. SO, who had just arrived back at the detachment, left again to drive to the bridge. On the way, he is recorded on the radio saying, "I have a feeling it's the female I just talked to". Asked if he had a name for the female, he responded, "I don't. The female did not want to give it to me. She was walking in socks. She's Indigenous. I don't know if it will match, she's Indigenous, wearing dark jeans, dark sweater, and wearing glasses. And black hair".

SO and Witness Officer 1 ('WO1'), who was also responding to the call, were held up at a rail crossing by a passing freight train. During their conversation at that point, SO said, "I just fucking talked to her too". WO1 asked, "Any reason why, or just saying hi?", and SO responded, "Well, she fell in front of a vehicle". WO1 said, "Oh, she's like drunk? Like drunk, fell in front or threw herself in front of... or just collapsed?" and SO replied, "They just said that she fell and they don't know if she was playing around".

Later, at the detachment, SO had a conversation with WO2, who described SO as "quite upset". SO told WO2 that he had tried to speak with AP, roadside, but she would not stop to speak with him. SO said that he had only been given a brief description of the female he was looking for, and that there had been a lot of young people out in the area. WO2 told IIO investigators that he tried to reassure SO, reminding him that a person is not obligated to talk to a police officer (unless the officer has lawful grounds to detain the person). CW2 told investigators that she later had a conversation about the incident with SO, and he told her that he had asked AP if she was okay, and that AP had said "yes", but then refused to answer any further questions from him.

AP told the IIO that on the day in question she initially tried unsuccessfully to drown herself in a creek. She said she then jumped out in front of a passing vehicle in a second suicide attempt. She stated that when she was approached by SO shortly afterwards, she told him to "fuck off", but suggested to IIO investigators that the officer lacked the proper training to deal with such situations.

Although AP stated that she had been fully submerged in a creek only a few minutes before other witnesses encountered her, none of the civilian, police or paramedic

witnesses mentioned AP or her clothing appearing wet. AP's mother, though, confirmed that AP's clothing was still wet hours later.

AP's injuries included multiple fractures, including in her pelvis and spine, as well as lacerations and internal abdominal and other injuries. She has required significant treatment, including a six-hour surgery to repair the fractures.

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 SO, through negligence, may have committed an offence with a causal link to AP's injuries. In particular, did he fail in his duty to protect life when he allowed AP to walk away without taking any other action.

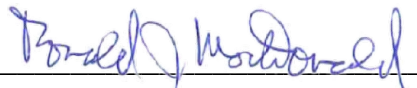
When SO encountered AP on the street, the only information he had was that a young indigenous woman had fallen, jumped or perhaps pretended to jump in front of a passing vehicle. He had an incomplete description, the only useful part of which was that the person was said to be in socked feet, without shoes. In those circumstances, without more specific information about an actual intent to cause herself harm, he had no lawful grounds to detain AP if she did not wish to stop and talk with him. The police are not permitted to detain people without a lawful basis. It was reasonable for SO to conclude there was insufficient basis to say AP had committed any offence, or was in need of assistance, or indeed was the person who was the subject of the initial call. In law, SO was permitted only to approach her and attempt to speak with her, which is what he did. It is clear that she too acted within her rights in refusing his assistance and telling him, in no uncertain terms, to leave her alone.

It could be said that prudence might have suggested to the officer that he should follow AP, attempting to 'keep an eye on' her, but that was neither what she wanted, nor what he was duty-bound to do. It is reasonable to assume, further, that AP would have waited until SO left before going to the bridge railing and climbing over it.

The evidence indicates that SO was affected emotionally by the incident, and may well have second-guessed his decisions after the fact. That is to be expected. However, this does not make those decisions unreasonable, and certainly does not raise them to the level of criminal culpability.

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.

A handwritten signature in blue ink, appearing to read "Ronald J. MacDonald", written over a horizontal line.

Ronald J. MacDonald, Q.C.
Chief Civilian Director

March 24, 2021

Date of Release