



**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 29, 2020**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2020-220

Date of Release:

April 19, 2021

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## **INTRODUCTION**

In the early morning hours of August 29, 2020, two Surrey RCMP members conducted a traffic stop on a Lexus vehicle with two occupants driven by the Affected Person ('AP'). AP fled from the vehicle, tripped and fell. He suffered injuries to his legs and ribs. Because the injuries had occurred in connection with the actions of police officers, 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 an attending paramedic;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- photographs of the scene, and of AP's injuries;
- Closed-Circuit Television ('CCTV') video recordings of the incident;
- police radio recordings;
- police notes and other records; and
- an Immediate Roadside Prohibition ('IRP') review decision.

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 Officers did not provide statements to the IIO.

## **NARRATIVE**

Shortly after midnight on August 29, 2020, the Subject Officers pulled over a Lexus vehicle driven by AP after seeing the car "driving erratically". AP told IIO investigators that his friend was the owner of the car but was too intoxicated to drive, so although AP had no driver's licence he decided to drive his friend home.

AP told investigators that after pulling over he took only about two steps from the Lexus when an officer delivered a flying kick to the back of his calf, breaking his leg. He said he was then punched or kneed in the ribs while on the ground, and suffered broken ribs.

The incident was captured by CCTV video. The video shows AP pulling the Lexus into a private driveway and the police vehicle stopping along the sidewalk behind the Lexus. AP can be seen to exit the car and run, initially up the driveway. As the two officers run after him from the police vehicle, AP turns around a parked car on the driveway and runs back towards the street. He jumps over a flower bed onto the lawn, passing close beside a large flower pot, and falls heavily to the ground.

The officers can then be seen holding AP down and trying to control him as he struggles, though one of the officers is distracted by the need to control AP's passenger, who can be seen approaching and gesticulating.

An assessment by attending paramedics indicated that AP "was under the influence of drugs or alcohol of some sort". He was found to have a broken leg and three broken ribs. He was described by a paramedic witness as agitated, confused and extremely uncooperative. AP was reported as having told paramedics that "he jumped over and he heard a snap".

AP's friend did not provide a statement to the IIO.

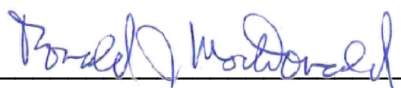
## **LEGAL ISSUES AND CONCLUSION**

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 one or both of the Subject Officers may have committed an assault offence in the course of AP's arrest.

It is fortunate in this case that the incident was largely captured on video. The video evidence demonstrates that AP's account does not match the objective evidence. It is clear the officer did not deliver a flying kick to the back of his calf causing his leg to break. The only reasonable conclusion from the available evidence is that what happened was just what AP stated to the attending paramedics: he "jumped over" an obstacle, tripped and broke his leg.

There is no reason to conclude that the injuries to his ribs did not happen also as a result of the trip and fall. There is no reliable evidence that either Subject Officer did anything beyond a lawful apprehension of an individual running away from police after a legitimate traffic stop, and no evidence that they used any unnecessary, excessive or unreasonable force.

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

April 19, 2021

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