



**IN THE MATTER OF THE INJURY OF A MALE  
WHILE IN THE CUSTODY OF THE  
CENTRAL SAANICH POLICE DEPARTMENT IN  
CENTRAL SAANICH, BRITISH COLUMBIA  
ON AUGUST 8, 2021**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2021-219

Date of Release:

January 31, 2022

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## **INTRODUCTION**

On August 7, 2021, the Affected Person ('AP') was arrested for an alleged domestic assault. He was released on conditions six hours later, and then re-arrested for breach of conditions. The following morning, AP suffered a medical event in cells, and jail staff quickly responded, providing care to AP before he was transported to hospital in serious condition. 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:

- written statement of the on-duty jail guard;
- audio recording of AP's arrest;
- cell block video and cell log;
- 911 call recordings;
- Central Saanich Police Service policies;
- forensic investigation report; and
- medical evidence.

## **NARRATIVE**

At about 8:40 a.m. on August 7, 2021, police received a complaint that AP had assaulted his spouse. When police arrived and arrested AP, they noticed that he had some difficulty walking and keeping his balance. Emergency Health Services ('EHS') were called, and paramedics assessed AP, who had an extensive history of medical issues. When AP declined to go to hospital, the paramedics consulted with a physician, and AP was permitted to go to cells.

At 4:20 p.m. that day, AP was released from cells without any further medical concerns. He was presented before a Justice of the Peace, and was placed on conditions not to have any contact with the complainant and to stay away from her residence. Despite stating several times that he would not obey those conditions, AP was ordered released by the Court and taken by police to a motel.

At about 7:00 p.m., the complainant came home to find AP sitting on the couch in her living room. His eye was purple and bloody and he was bleeding from his elbow. He told her that someone had found him face down in the road and had driven him home.

Police returned to the residence and re-arrested AP. This arrest was audio-recorded. It is apparent that AP was frustrated and annoyed at the time, but there is no indication that any force was used against him, other than handcuffing him and placing him into a police vehicle. When asked what happened to his eye, AP responded that he falls a lot. He was placed back into a cell at 7:24 p.m. Paramedics were called again, and attended to AP's wounds, for which he gave various explanations. Once again, AP declined hospital treatment. The cell door was locked at 7:45 p.m.

Central Saanich Police Service policy requires checks on detainees every fifteen minutes. Evidence from cell block video and the cell log suggest that checks were conducted on AP during his stay, at intervals of approximately fifteen to twenty minutes. Some entries in the log could not be corroborated by video because of technical issues with the video system. There were occasions when no staff were present in the cell block because the jail guard had left to use the washroom.

Throughout the night, AP moved around on the cell bench, sleeping on one side or the other. There is no indication of any medical distress until 6:36 a.m., when AP appears to have a seizure, at a time when the jail guard was temporarily out of the cell block.

At about 6:38 a.m., AP appears to settle in a rather unnatural resting position. A few seconds later, the guard returns to his desk. Shortly before 6:39 a.m., the guard checks the monitors, and moves to check physically on AP, but before 6:40 a.m., two officers come into the cell block, go into the cell and attempt to rouse AP.

Unfortunately, the way the cell video camera is set up, it cuts out when the cell door is open, but audio of the events can be heard on recordings made by a nearby camera in the booking area. It can be heard that an officer is doing chest compressions, and an automatic defibrillator is brought to the cell and applied.

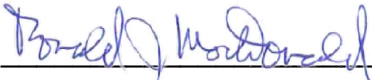
At 6:56 a.m., paramedics attended, and AP was transported to hospital. He was found to suffer from cardiomyopathy and a brain injury due to anoxia during a heart attack. He remains in hospital care.

## **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 negligence-based offence may have been committed by any officer.

To put it shortly, there is no evidence in this case of any negligence on the part of any officer, or of the jail guard, who is a civilian employee of the municipality. Cell checks were conducted regularly and in a manner closely approximating policy standards. No blame can attach to an individual moving from his post occasionally to visit the washroom. AP's medical distress was noticed very quickly after it became visually apparent, and all appropriate efforts were made to render medical assistance and summon medical professionals.

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.

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

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