



**IN THE MATTER OF THE INJURY OF A FEMALE  
WHILE BEING APPREHENDED BY MEMBERS OF THE RCMP  
IN SECHLT, BRITISH COLUMBIA  
ON SEPTEMBER 21, 2021**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2021-262

Date of Release:

June 6, 2022

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## **INTRODUCTION**

On the evening of September 21, 2021, the Affected Person ('AP') was detained for impaired driving, and was taken to the Sechelt RCMP detachment. While officers were conducting a routine search of AP at the detachment, she was asked to give them a cloth mask she was carrying, fastened around her upper arm. AP was resistant to the request, and the Subject Officer ('SO') took the mask from AP's hand. In the course of this movement, the mask's string caught on AP's left ring finger and severed the finger at the first joint. Because a serious injury had occurred in connection with police action, 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, one jail guard and two witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- Closed-Circuit Television ('CCTV') video recordings from the RCMP detachment;
- video from a police vehicle's Watchguard dash camera system;
- exhibit examination; 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 account to the IIO.

## **NARRATIVE**

At about 10:20 p.m. on September 21, 2021, Sechelt police received a report of a possibly impaired driver. Witness Officers 1 and 2 ('WO1' and 'WO2') located the suspect vehicle and pulled it over after activating their police vehicle's emergency lights and siren, following for a significant distance before it eventually entered a dead-end street and stopped. AP was the sole occupant of the suspect vehicle, and her interactions with the investigating officers, once she exited her car, were captured on police Watchguard video recordings with audio. The recordings show that AP was physically resistant and argumentative with the officers throughout. She was handcuffed, though she managed to free one hand from the cuffs while she was in the back of the police vehicle. She was arrested for impaired operation and for obstruction, and was taken to the RCMP

detachment. Watchguard video from inside the police vehicle shows that AP was not wearing or carrying a mask on her face or on the outside of her jacket sleeve at the time she was transported.

CCTV recordings at the detachment show AP being brought into the booking area in the presence of WO1, WO2, SO and a civilian jail guard. There is no audio track, but it appears that AP continues to be argumentative and less than fully cooperative. AP initially sits on a bench and kicks off her shoes. She is then stood up and turned to face the wall while the arresting officers remove the handcuffs. SO steps forward to assist, and can be seen to take the handcuffs and place them on the counter. Next, WO1 and WO2 remove AP's outer jacket and other items. WO1, a female officer, then conducts a pre-custody search of AP's person while WO2 and SO stand nearby.

The video is rather low-resolution, but appears to show that at one point, the two male officers step forward, attempting to take something from AP's upper left arm, with AP apparently resisting. The interaction ends when SO tugs the item away from the area of AP's hand or wrist and places it over on the counter. AP immediately shows distress, turning and holding out her left hand. The officers seat her back on the bench, and she can be seen to bend forward to pick something up off the floor in front of her. Her left ring finger has been severed at the first knuckle.

AP was transported to hospital where her damaged finger was treated, but she was advised that the severed finger tip could not be surgically re-attached.

AP subsequently told the IIO that in the booking area she had been surrounded by five officers. She said she was wearing her "favourite" mask, and when it was removed from her face she kept hold of it with her fingers. Told to hand over the mask, she said, she refused, saying she had a right to retain it. AP said that an officer "pulled and pulled" on the mask, but "I just held myself strong". She said that the elastic of the mask was hanging on her finger, and the officer kept pulling until her finger was sliced off. Shown the video of the incident, AP said it did not assist her in remembering anything further, though she was able to identify SO as the officer who pulled the mask.

WO1 told the IIO that when AP was being searched, she was carrying the mask on her left bicep. WO1 said that she heard SO telling AP to hand over the mask, but AP refused. WO2 stated that during the search he saw AP swinging her left arm, so took hold of it. He said he saw that at this point she was holding on to a mask with her left hand. He was not sure who had moved the mask down AP's arm to her wrist or hand. He said he saw SO pull at the mask, telling AP to let go of it, but AP swore at the officers and refused. WO2 said he then saw blood shoot from AP's left ring finger, and saw the severed finger on the

floor. WO2 thought at first, he said, that there had been a razor blade concealed in the mask, or that AP had a previous injury of which the officers were unaware. WO1's conclusion, as conveyed to IIO investigators, was that the mask's elastic must have been wrapped around the finger, and severed it when pulled tight.

The mask involved in the incident was examined by IIO investigators. It was a commercially branded cloth non-medical face mask. There were no apparent irregularities anywhere in the mask material, the elastic or the wire nose insert. There was no sign of any blood anywhere on the mask that might indicate which part of the item had cut AP's finger.

## **LEGAL ISSUES AND CONCLUSION**

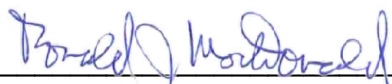
The purpose of any IIO investigation is to determine whether there are reasonable grounds to believe that an officer, through an action or inaction, may have committed any offence in relation to an incident resulting in serious harm or death. More specifically, the issue to be considered in this case is whether SO may have committed an offence through the use of unauthorized, unnecessary or excessive force against AP.

With respect to the initial interaction between AP and the police, video evidence demonstrates that WO1 and WO2 were justified in stopping AP and investigating her based on sobriety concerns. Her behaviour at the scene was clearly obstructive, and there was nothing improper about her arrest on that basis, or about the manner in which she was treated while being taken into custody and transported to cells.

Likewise, it is clear that, while AP remained uncooperative throughout, she was handled appropriately and with minimal force by the three involved officers. Since she was evidently being taken into custody, it was not unreasonable to require her to relinquish the mask that officers noticed hanging on her arm, and when she refused and resisted, a measured amount of force was justified in overcoming that resistance. AP herself acknowledged that she was particularly resistant in that regard, as it was her "favourite" mask. The video shows no more than a brief, sharp tug on the mask by SO, and it is inexplicable that this relatively limited exercise of force could have caused such significant harm. The fact that it did does not render the use of force disproportionate or excessive, and SO cannot be held liable for what was, in essence, a freak accident.

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

June 6, 2022

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