



**IN THE MATTER OF THE INJURY OF A MALE  
WHILE IN THE CUSTODY OF  
THE VANCOUVER POLICE DEPARTMENT  
IN VANCOUVER, BRITISH COLUMBIA  
ON OCTOBER 11, 2021**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2021-278

Date of Release:

February 16, 2022

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## INTRODUCTION

On the afternoon of October 11, 2021, the Affected Person ('AP') was arrested for an alleged breach of release conditions. He was taken to Vancouver Police Department ('VPD') cells, and while there he tied the sleeves of his shirt around his neck and applied tension to them. He lost consciousness, but was very quickly discovered by jail staff and was transported to hospital, where he was held under the *Mental Health Act*. Because VPD jail guards are 'officers' within the definition set out in Part 7.1 of the *Police Act*, and so fall under the jurisdiction of the Independent Investigations Office ('IIO'), the IIO was notified and commenced an investigation. The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

- statement of AP;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- Closed-Circuit Television ('CCTV') recordings and photographs from VPD cells;
- VPD cells prisoner records;
- VPD cells policies; and
- medical evidence.

## NARRATIVE

Interviewed by IIO investigators, AP said that on October 11, 2021, he was arrested and taken to VPD cells. He said that he was depressed at the time, and at one point in his interview mentioned suicide but declined to elaborate on the comment. He said that no force was used on him by any of the officers involved in his arrest. AP said that he did not recall anything from the time he was placed in a cell to the time he woke up in hospital.

AP's stay in cells was recorded on CCTV video. In reviewing the video, IIO investigators noted that the cell camera is located in a location that causes its view of the cell to be partially blocked by a bracket on the ceiling. It was also noted that the only bench in the cell is located in a corner, directly under a viewing port in the wall. The location of the bench results in a detainee sitting on the bench being difficult to view effectively, either from the viewing port or via the CCTV.<sup>1</sup>

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<sup>1</sup> The VPD has been alerted to these issues by the IIO and steps have since been taken to remedy the situation.

Shortly after 3:15 p.m., AP is seen on the video being placed in the cell. He immediately takes a position on the bench, in the corner below the viewing port. At 3:24 p.m. he is visited by a jail guard, and a nurse then enters the cell and appears to conduct a brief assessment of AP (the video system does not capture audio).

At 3:52 p.m., AP can be seen to pull his arm out of his left shirt sleeve and wrap the sleeve around his neck. Over the next several minutes, he is seen pulling at the sleeve, and then lying down on the bench and taking his right arm also inside his shirt. At 4:09 p.m., the same jail guard looks at AP through the open doorway and then leaves.

At 4:25 p.m., AP moves back to a sitting position under the viewing port and wraps his right sleeve around his neck. At 4:34 p.m., he pulls his knees up inside the shirt. Between 4:34 and 4:41 p.m., he moves around on the bench, before lying down with his feet inside the shirt, stretching it, and becoming motionless.

Within about thirty seconds, a jail guard enters the cell and attempts to rouse AP. He notices the sleeves around AP's neck and unwraps them, assisted by a Corrections Officer who happened to be working in the area just outside the cell. By 4:44 p.m., AP is moved to the floor in the recovery position, and is attended to by the jail nurse.

Subsequently, first responders arrive and AP is removed from the cell on a gurney. He was treated in hospital and suffered no long-term harm.

## **LEGAL ISSUES AND CONCLUSION**

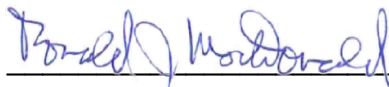
The purpose of any IIO investigation is to determine whether there are reasonable grounds to believe that an officer, through an action or inaction, may have committed any offence in relation to an incident resulting in serious harm or death. More specifically, the issue to be considered in this case is whether any officer may have been negligent to any extent in their treatment of AP while in police custody.

To be clear, the IIO investigated this incident because of its statutory duty to assess the actions or inaction of any officer that may have been connected to serious harm suffered by any individual. There was no suggestion, initially, that any jail guard or police officer had been negligent in any respect, and the investigation has confirmed that no negligence occurred here. Checks on AP were conducted properly and diligently, and there was a very timely response to the observation that AP had become unresponsive.

As noted above, the layout of the cell in question is less than optimal: AP was able to sit with his back to the wall below the observation port in a way that would have made it difficult or impossible for a guard checking on him through the port to notice what he was

doing with the sleeves of his shirt. While it is fair to make that criticism of the physical layout of the cell, however, there is no criticism of the actions of any officer, all of whom involved in this case performed their duties properly and diligently.

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

February 16, 2022  
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