



**IN THE MATTER OF THE INJURY OF A MALE  
WHILE BEING APPREHENDED BY MEMBERS OF THE  
ROYAL CANADIAN MOUNTED POLICE IN  
THE MUNICIPALITY OF VANDERHOOF, BRITISH COLUMBIA  
ON FEBRUARY 13, 2021**

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

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2021-037

Date of Release:

November 5, 2021

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## **Introduction**

On the morning of February 13, 2021, Royal Canadian Mounted Police ('RCMP') officers were called to do a well-being check at a residence after an individual had called 9-1-1 reporting concerns related to a female's safety. Officers arrived and arrested the Affected Person ('AP'), who was injured by the Subject Officer (SO) during the arrest.

Because the injury 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 two civilian witnesses;
- statements of two witness police officers;
- statements of two responding paramedics;
- police Computer-Aided Dispatch ('CAD');
- Police Records Information Management Environment ('PRIME') records;
- 911 recordings;
- police radio to radio transmissions;
- photographs of scene; and
- medical records.

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**

On February 13, 2021, Witness Officer 1 ('WO1') and Subject Officer ('SO') attended to a residence near Vanderhoof to check the well-being of Civilian Witness 1 ('CW1') who was believed to be present at the residence with the Affected Person ('AP') and Civilian Witness 2 ('CW2').

Prior to arriving at the residence, SO became aware through police radio communications that the family had a history of domestic violence. The radio dispatcher informed SO that AP was on court conditions related to a previous domestic matter not to have any contact with CW1 or CW2 except with prior consent and that he must stop all contact upon request. WO1 had also informed SO about the history of domestic violence at the residence.

Upon attendance, the police officers observed AP's vehicles parked in the driveway and found the rear door of the residence ajar. CW1 and CW2 were lying on the couch. Police

entered the residence, despite CW1 and CW2's requests not to do so. CW1 and CW2 appeared intoxicated and upset, and denied AP was present.

SO began to clear the residence for safety purposes, and moved to the bedroom, where he found AP hiding between the bed and the wall. SO attempted to detain AP, but AP resisted, and an altercation ensued.

AP confirmed that he was intoxicated, got "rowdy" and was "just resisting". AP told SO that he did not have reason to arrest AP, because he was not in breach of his court conditions. AP said SO punched him a couple of times, and advised he was "half dizzy, half knocked out," and he was bleeding out of his nose. He was punched hard and explained "you don't cause damage like that unless you punch someone hard ... I was resisting."

WO1 was present for part of the interaction between SO and AP. WO1 looked into the bedroom and saw AP standing at the edge of the bed. WO1 described that SO had his handcuffs out and was trying to arrest AP. WO1 described that AP was yelling and brought his fists up to swing at SO. WO1 moved to the other side of AP so that the officers could handcuff him.

WO1 said that the officers spent time trying to get AP's arms behind his back so they could apply handcuffs. WO1 said AP was trying to kick and punch them. WO1 saw SO punch AP once in the face with a closed fist. Towards the end of the altercation, WO1 could be heard over the radio saying: "we're going to need (indecipherable) but we have him in handcuffs now though."

CW2 did not see the full interaction, as CW2 was in another part of the residence when it occurred. CW2 said that SO and WO1 picked AP up off the floor and threw him on his belly and he hit his face.

At some point during the altercation, a tone alert was sounded over the radio by SO. The tone alert is a sound that indicates an officer is in danger.

AP was transported to Vanderhoof RCMP cells where Emergency Health Services ('EHS') were subsequently called to attend to AP. AP was taken to hospital where he was found to have a fracture on his cheek near his eye socket.

## **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.

The issue to be considered in this case is whether the officer may have used excessive force or otherwise acted improperly in connection with the arrest of AP.

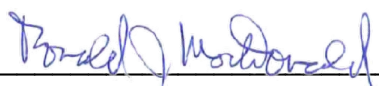
Police officers have a duty to protect life. When the police received a call to check on CW1's welfare in a residence associated to violence, they appropriately acted quickly and entered the home to check on CW1. The officers needed to clear the residence for safety purposes to make sure everyone was okay, and were acting lawfully when doing so.

SO also acted lawfully, in execution of his duty, when he detained AP for further investigation into the welfare check of CW1 after finding AP intoxicated and hiding in the bedroom. SO was made aware of a previous history of domestic violence in the residence. Due to the nature of the call, it was important and necessary for SO to do a comprehensive investigation into the wellness of the occupants. SO was acting in accordance with his training by detaining AP in order to further investigate what had taken place, whether AP was in breach of his conditions and why a caller had concern for CW1's welfare.

AP, by his own admission, was not happy with SO, and got "rowdy" and was "resisting". AP was acting violently and raised his fists towards SO, threatening the officer. This put SO in a dangerous situation, as he was accompanied by only one other officer and responding to a call where there were three persons present and a previous history of violence. Complicating this was an AP who very clearly did not want to be arrested. Although there are differing accounts of what occurred, the more reliable evidence supports SO's actions, particularly given AP's own concession that he was resisting SO's efforts to arrest him.

SO was operating in a confined space with a male not complying with reasonable police direction. While if possible it is preferable that police avoid blows to the head when attempting to control an individual, in this case given the circumstances described it can not be said that SO's actions were unreasonable, especially considering that SO's actions were only in response to AP's decision to become aggressive.

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**

November 5, 2021

**Date of Release**