



**IN THE MATTER OF THE INJURY OF A MALE
WHILE BEING DETAINED BY A MEMBER OF THE RCMP
IN KAMLOOPS, BRITISH COLUMBIA
ON MARCH 12, 2021**

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

Chief Civilian Director:	Ronald J. MacDonald, Q.C.
IIO File Number:	2021-058
<u>Date of Release:</u>	<u>November 25, 2021</u>

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INTRODUCTION

On March 12, 2021, the Subject Officer ('SO') was on patrol when he saw a group of people on the street, in what appeared to be a fight. In particular, SO saw the Affected Person ('AP') punching another male in the head. When SO attempted to detain AP, AP fled across the street. SO pursued AP and pushed him from behind. This caused AP to fall and slide face-first into the curb, injuring his jaw. 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 one civilian witness, two paramedics and two witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- recordings of police radio transmissions;
- Watchguard dash camera video from SO's police vehicle;
- Closed-Circuit Television ('CCTV') video from commercial premises;
- CCTV video from Kamloops RCMP detachment;
- B.C. Emergency Health Services ('EHS') records; 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, neither SO nor AP have provided any evidence to the IIO.

NARRATIVE

At 8:09 p.m. on March 12, 2021, SO was driving southbound in the curb lane of Columbia Street West in Kamloops. The Watchguard dash camera system of his police vehicle was operating, and recorded three individuals running across the road in front of him, from the west side to the central median.

On the video, one person can be seen picking up a backpack from the median curb, and two of the three run back to the western sidewalk. One male, subsequently identified as AP, appears to be chasing the second, who makes a gesture with his arms in the direction of the police vehicle, possibly signalling for assistance. Just as the two males disappear off the righthand side of the video, AP has caught up to the second male, and has his left arm raised towards the male as if striking at him.

SO pulled into a hotel parking lot entrance beside the two males and activated his emergency lights. As he did so, Civilian Witness 1 ('CW1') was about to exit the parking

lot. CW1 later told IIO investigators that he saw a male (AP) approach another male and punch him “at least twice”. CW1 said that SO pulled in, exited his police vehicle and told AP, “I’m RCMP. Stop”. AP, however, ran off across the street with SO pursuing, calling, “Stop, RCMP, I’m RCMP”. CW1 said that he saw SO catch up to AP, but looked away momentarily and did not see how they went to the ground. He said he next saw SO placing AP in handcuffs on a grassy area on the far side of the four-lane street. He said he did not see SO use any force on AP, but said that after SO helped AP to his feet, he heard AP shout, “Why did you have to use such force?”

Witness Officer 1 (‘WO1’) told IIO investigators that SO called ahead asking for EHS to attend at the detachment, as AP was “going unconscious” in the back of the police vehicle. WO1 said that when SO arrived with AP, he told WO1 that he had seen AP pursuing and punching someone on the street, and that AP had fled when SO tried to arrest him. WO1 said that SO stated, “He took off running and I pushed him, he lost his balance and fell”. WO1 recalled that SO had said he tried grabbing the back of AP’s shirt, but couldn’t, so he shoved him. SO had added that he had to pull AP off the road afterwards to avoid an oncoming vehicle. WO1 said that at one point AP claimed he had been trying to punch someone who had stolen AP’s backpack, but then changed his account and said he had not punched anyone.

An ambulance arrived at the detachment and transported AP to hospital, where he was found to have a broken jaw. One of the two attending paramedics told the IIO that AP reported running from police, being pushed from behind and falling headfirst into something hard. The second paramedic stated that AP claimed he had just been standing on the sidewalk “minding his own business” when he was assaulted and thrown to the ground.

AP subsequently absconded from the hospital, and has not given any account of the incident to the IIO.

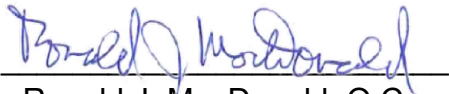
LEGAL ISSUES AND CONCLUSION

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 SO may have committed an assault in the course of apprehending AP.

There is no doubt that SO was acting lawfully in execution of his duty when he stepped out of his police vehicle to arrest—or at least detain—AP after witnessing what appeared to be assaultive behaviour on his part. When, in response to SO’s presence, AP took off running, it was entirely proper for SO to pursue and stop AP.

Whether the push from behind was entirely deliberate, entirely unintended or somewhere between the two, it was a justifiable use of force, and a safer and more appropriate way to stop a fleeing suspect than by either tripping or tackling him, football style. That AP was injured in the fall is unfortunate, but not a result of unnecessary or excessive force. The evidence makes it clear that no further force was used once AP was under control, and SO demonstrated his appropriate concern for AP's wellbeing when he radioed ahead asking for paramedics to attend and provide care for AP.

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 25, 2021

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