



**IN THE MATTER OF THE INJURY OF A FEMALE  
WHILE BEING ARRESTED BY MEMBERS OF THE RCMP  
IN SALMON ARM, BRITISH COLUMBIA  
ON FEBRUARY 13, 2022**

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

Chief Civilian Director:	Ronald J. MacDonald, Q.C.
IIO File Number:	2022-022
<u>Date of Release:</u>	<u>August 5, 2022</u>

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## **INTRODUCTION**

On the evening of February 13, 2022, the Affected Person ('AP') went to a party at a friend's house. She became intoxicated and rowdy, and police were called by a neighbour who heard AP screaming and thought someone was in distress. Three officers responded and tried to have AP leave the residence with friends, but AP refused. A confrontation developed, and AP was told she was under arrest. In the course of that arrest, AP suffered a broken arm. 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, four other civilian witnesses and two witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of police radio transmissions;
- downloads from police vehicle Mobile Data Terminals;
- cell phone video from a civilian witness;
- video and audio recordings from a Watchguard police vehicle dash camera system; 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, the Subject Officer has not provided any account to the IIO.

## **NARRATIVE**

Interviewed by the IIO, AP recalled being at the party, intoxicated, but said she could not remember a lot of the details of the incident. She said she was told by police that she was being arrested for fighting with a friend. She remembered being pushed face-first into a vehicle by a female officer, and hearing her elbow "pop" as her arms were pulled behind her back. AP recalled there was another female officer present as well as a male officer, but said they were not involved physically in the handcuffing. She told investigators that she was later diagnosed with a fractured humerus bone.

The party was at the home of Civilian Witness 1 ('CW1'), who told IIO investigators that AP had been "blind drunk". At one point, said CW1, he noticed that police had arrived, and heard a male officer tell AP to leave. He said AP stormed out onto the driveway at

the front of the property. There was a “commotion”, and CW1 said he believed AP may have taken “a swing” at one of the officers. He saw her being pinned against a vehicle by two officers, but could not say which. He recalled hearing AP complain that the officers were hurting her, but said they appeared to be calm and restrained in their treatment of her. He saw AP driven away in a police car and assumed she was going to the “drunk tank”.

CW2, another party guest, described AP as “black-out” drunk. He recalled seeing three officers standing close to AP, who was yelling and refusing to leave with a friend, CW3, who had come to take her home. CW2 said he saw the officers make a move to place AP under arrest. He described a male officer on either side of AP and a female officer behind AP, but said he could not see their exact movements. CW2 said he heard AP yelling that they were hurting her, but did not see any of the officers do anything that would have caused injury, so thought that perhaps AP was simply experiencing discomfort from being handcuffed behind her back. He said he saw no strikes or any other use of force by the officers. CW2 said he heard the female officer say that AP had slapped her, but did not see AP strike any officer.

CW3 was the friend who came to pick AP up. He recalled finding AP visibly upset and wanting to leave. He said he heard a female officer yelling at AP, and was trying to get AP into his truck. He then saw the female officer grab AP’s hand, telling her she was under arrest. CW3 described AP being “slammed” against his vehicle, with male officers on either side, and the female officer behind, applying handcuffs. CW3 said that AP started to “whimper”, and heard the female officer say, “That’s what you get if you try to hit a police officer”. He said he had not seen AP hit any officer, and did not feel that she was being violent or resisting in any way.

The female officer, Witness Officer 1 (‘WO1’), did recall having been “sort of slapped” by AP, who she said hit the officer’s sleeve in a swiping motion. The reason WO1 gave for AP’s arrest, though, was that “enough was enough”: AP was evidently not going to avail herself of a ride home with a friend, and needed to be removed from the party, where she was causing a drunken disturbance. WO1 told investigators that she grabbed AP’s arm and tried to lead her over to WO1’s police vehicle.

WO1 said that AP started “flailing”, making her hard to control, so WO1 pushed her up against a parked vehicle and started to apply handcuffs. WO1 said that AP was able to free the arm and swung it at WO1, who said she saw the metal handcuff flash past her face (as noted above, CW1 also reported AP possibly taking “a swing”, and then seeing the officer restraining AP against the vehicle). WO1 took hold of the hair on the back of AP’s head and pushed her face against the side window of the vehicle while SO took

control of AP's right arm. WO1 said she believed WO2 stepped in to assist on AP's left side. AP was placed in handcuffs.

Notwithstanding the recollections of WO1 and civilian witnesses to the incident that all three officers participated in restraining AP, WO2 told the IIO that he believed he was standing about twenty feet away at the time and did not lay hands on AP at any point.

Once AP was secured in handcuffs, WO1 drove her from the scene. On the way to the detachment, she received a radio call from WO2 directing her to divert to the hospital, as AP "probably has a shoulder injury". AP had not complained about her arm at any point, and it was SO who had raised the issue. WO1 said that SO told her he thought he had heard AP's arm "pop" while she was struggling against the officers, and that he seemed upset to think that he had harmed a small female.

At the hospital, a doctor who examined AP stated that there was no injury to her arm, but SO requested that the doctor re-examine it. Upon doing so, the physician realized that the arm was broken, and AP was admitted for treatment.

## **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 an officer may have used unauthorized, unnecessary or excessive force in the course of AP's arrest.

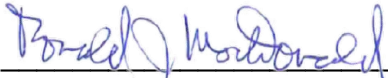
The evidence gathered shows that attending officers were acting in lawful execution of their duty in attempting to resolve the disturbance being caused by AP, by having her leave peacefully with a sober friend. They appear to have exercised reasonable restraint in this way, leaving her the option of resolving the situation sensibly without any further action on their part. At a certain point, though, they were entitled to conclude that "enough was enough", as WO1 put it, and to take AP away under arrest.

AP was physically resistive to that, and whether or not she "slapped" or "swung at" WO1, there is no doubt that the officers needed to apply a degree of force to restrain her. Nothing in the evidence leads me to conclude that the force used by any officer was unnecessary or excessive in the circumstances. SO appears to have caused the injury because it was the arm he was holding that was hurt, but there is no suggestion that he did any more than control the arm to the degree necessary for handcuffs to be applied. The fact that AP's humerus was broken does not, on its own, necessarily show excessive

force. This office has seen frequent examples of similar injuries occurring to individuals who actively resist lawful attempts at arm control.

Not only is there no evidence that SO used excessive force, or that he acted in any way angrily or aggressively towards AP, the evidence shows a significant level of concern for her on his part. Aware that she might have suffered an injury, as noted above, it was his intervention at the hospital that ensured AP received the medical care she needed.

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

August 5, 2022  
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