



**IN THE MATTER OF THE INJURY OF A MALE  
WHILE BEING ARRESTED BY MEMBERS OF THE RCMP  
IN PORT COQUITLAM, BRITISH COLUMBIA  
ON APRIL 26, 2022**

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

Chief Civilian Director: Jessica Berglund

IIO File Number: 2022-069

Date of Release: October 3, 2024

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## **INTRODUCTION**

On April 6, 2022, RCMP officers arrested the Affected Person ('AP') after he was reported to have talked about committing criminal offences to make money. The AP was injured in the course of the arrest. 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 the AP, two paramedics and eight witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of police radio traffic;
- photographs of the AP's injuries; and
- medical evidence.

## **NARRATIVE**

On the morning of April 6, 2022, Coquitlam RCMP received a complaint about a male who was said to have been walking around looking into vehicles in a public parking area. Witness Officer 1 ('WO1') and Subject Officer 1 ('SO1') responded, and found the Affected Person ('AP') at the location. He was carrying a length of wood, which he was using as a walking stick. He told the officers that he was staying with his "wife" in a camper van that was parked nearby. When WO1 made enquiries at the RV, one of the two female occupants told him that there was no relationship between them and the AP, though he had "latched on" to them a few days earlier and would not leave. The officers felt they had no reason to detain the AP further, so let him walk away. The IIO was not able to locate and interview the second female.

Shortly afterwards, one of the females from the camper approached WO1 and told him that the AP had been talking about breaking into vehicles to get money, and that he had been hiding behind trucks at the back of nearby commercial premises. Staff at that business confirmed to the officers that the AP had been wandering in and out of their warehouse. SO1 passed on the information to a more senior officer at the detachment, and was told, "If you've got an offence... let's get him into custody". Other officers were sent to assist.

Shortly after this, SO1 reported by radio that he had the AP in sight, and said the AP was "running through traffic" (the street where SO1 had encountered the AP was a fairly busy four-lane thoroughfare). The other officers then heard an alarm tone sound on the radio.

The AP told IIO investigators that he was crossing the street when an officer ran at him, grabbed him by his hoodie and “slammed” him to the ground. He recalled “wriggling around” on the ground as he was handcuffed, and being told to stop resisting.

WO2 described seeing two officers approach the AP and take him to the ground “in a controlled manner”. He said he then saw both officers holding the AP’s arms and struggling to handcuff him. When WO1 arrived at the scene, he said, he saw the AP already on the ground, “thrashing around”. He said that SO1 told him, “He pulled away from me and started fighting with me, so we both went to the ground”. Other witness officers arriving at about the same time also described the AP struggling on the ground, causing the arresting officers to have trouble controlling his arms.

The AP said that at some point while he was on the ground, he was struck twice with a baton on his left elbow, causing it to break. Questioned about this, all involved officers stated that no baton or any other force option was used against the AP during his arrest. There was no civilian eyewitness and no video of the arrest scene.

An ambulance arrived, but the AP was not examined by the paramedics as the police officers did not think he had been injured. Officers transported him to hospital in custody under the authority of the *Mental Health Act*, as he was still insisting that one of the females in the camper was his wife, though she continued to deny that. After psychiatric assessment, he was later released.

WO1 said that at the hospital, the AP stated, “Sorry, maybe I shouldn’t have fight [sic] with you guys”, and that he complained of pain when the handcuffs were removed. The AP told the IIO that he was subsequently diagnosed with a fracture of his humerus requiring surgical intervention. The IIO was not able to determine whether the injury was the result of a baton strike, as described by the AP, or in fact whether it had been caused during his arrest by SO1.

## **LEGAL ISSUES AND CONCLUSION**

The Independent Investigations Office of British Columbia has been given the task of investigating any incident that occurs in the province in which an Affected Person has died or suffered serious physical harm and there appears to be a connection to the actions (or sometimes inaction) of police. The aim is to provide assurance to the public that when the investigation is complete, they can trust the IIO’s conclusions, because the investigation was conducted by an independent, unbiased, civilian-led agency.

In the majority of cases, those conclusions are presented in a public report such as this one, which completes the IIO’s mandate by explaining to the public what happened in the incident and how the Affected Person came to suffer harm. Such reports are generally

intended to enhance public confidence in the police and in the justice system as a whole through a transparent and impartial evaluation of the incident and the police role in it.

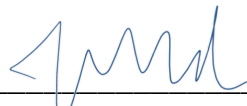
In a smaller number of cases, the evidence gathered may give the Chief Civilian Director ('CCD') reasonable grounds to believe that an officer has committed an offence in connection with the incident. In such a case, the *Police Act* gives the CCD authority to refer the file to Crown counsel for consideration of charges.

In a case such as this one, involving the use of force by officers, one of the threads of the IIO investigation will be the gathering of evidence about potential justifications for that use of force. The CCD will then apply legal tests such as necessity, proportionality and reasonableness to reach conclusions as to whether officers' actions were lawful, or whether an officer may have committed the offence of assault.

The officers who arrested the AP did not have reasonable grounds to arrest him for any criminal offence. They did, on the evidence, have grounds to detain him for a period to investigate both the complaint from the females in the camper, who indicated that he was overstaying his welcome with them, and the allegation that he had voiced an intention to commit vehicle break-ins. During such an investigative detention, by law, the detainee is not free to resist or leave.

A plausible interpretation of SO1's actions is that he was attempting to detain the AP (rather than to arrest him, or to apprehend him under the *Mental Health Act*). In those circumstances, he was authorized to use a reasonable level of force to effect the detention. The available evidence indicates that the AP did resist the officers who initially laid hands on him, and does not rise to the level capable of supporting a conclusion that any officer used excessive or gratuitous force.

Accordingly, as 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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Jessica Berglund  
Chief Civilian Director

October 3, 2024  
Date of Release